

47 X.9.92

ROGER WIDDINGTONS

Last

REIOYNDER TO

M^r. THOMAS FITZ-HERBERTS.

REPLY CONCERNING THE

OATH OF ALLEGIANCE,

And the POPES power to

depose PRINCES:

VWherein all his arguments, taken from
*the Lawes of God, in the old and new Testament of Na-
ture, of Nations, from the Canon and Civill Law, and from
the Popes Breues, condemning the Oath, and the Car-
dinalls Decree, forbidding two of Widdingtons
Bookes, are answered:*

*Also many, Replies and Instances of Cardinall BEL-
LARMINE in his Scholckenius, and of Leonard Lesius
in his Singleton are confuted, and others cunning-
shifts of Cardinall PERON
are discovered.*

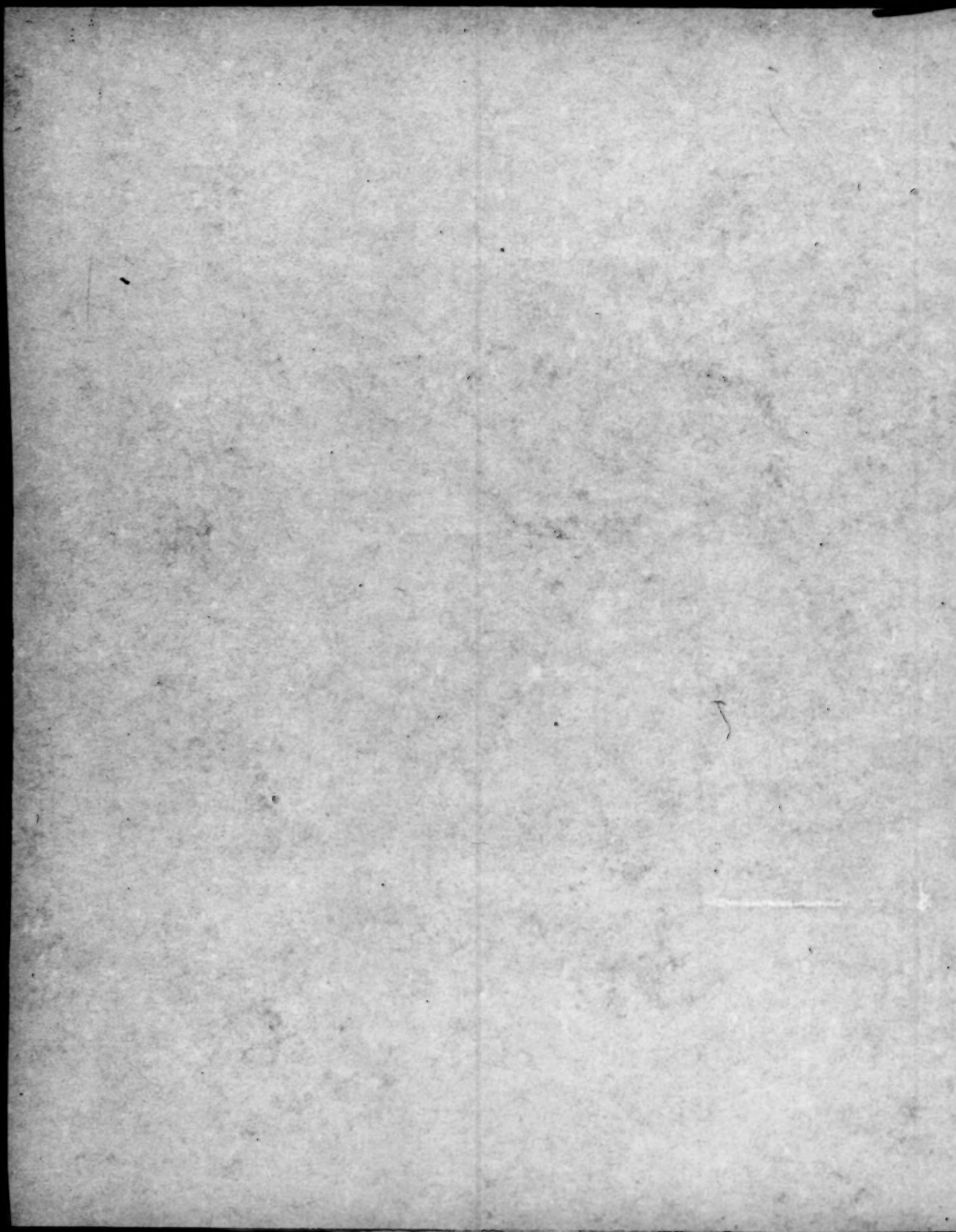


PROVERBS 12.

*The lip of truth shall be stable for ever; but he that is an hasty witnesse
frameth a tongue of lying.*



Permissu Superiorum. 1633.



**The CONTENTS of this
TREATISE.**

THE Preface to the Reader: wherein it is shewed first, how dangerous and pernicious a thing it is, under pretence of Zeale to Catholike Religion, and to the Sea Apostolike, to coyne, teach, and publish by fraude and violence false articles of Catholike faith, especially in things, which doe greatly derogate from the temporall Soueraignty of absolute Princes.

Secondly, how exceedingly Widdringtons Aduersaries doe preiudice themselves and their cause, by handling this controuersie concerning the Oath of Allegiance, and the Popes power to depose Princes, in such a fraudulent, vncharitable, and slanderous manner; and in not permitting learned Catholikes, to whom the charge of soules is committed, and who ought alwaies to bee ready to satisfie euery one, that asketh them a reason of their Catholike faith, to try and examine by the true touchstone of Catholike faith, and the vndoubted principles of Catholike Religion, whether the faith, which they pretend to bee Catholike, bee a false and forged Catholike faith, or no:

Thirdly, what is Widdringtons chiefe drift in making this Reioynder, and in continuing still to handle this controuersie.

CHAP. I.

Widdrington freeth himselfe of two fraudes, whereof
he is

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he is wrongfully accused, and returneth them backe againe vpon his Aduersary.

Secondly, hee discovereth the fraude and falshood of his Aduersaries reasons, which he yeeldeth for the supposition of his Discourse, and that therein he contradicteth his owne grounds.

Thirdly, he plainly sheweth, that he hath answered probably, and like a good Catholike.

CHAP. II.

Widdringtons answer to an argument of his Aduersary, taken from the rule of the law, [The accessory followeth the principall,] is confirmed.

Secondly, Two Instances which he brought against that rule, are proued to be sound and sufficient.

Thirdly, that place of S. Paul, 1. Cor. 6. If you haue Secular iudgements, &c. is at large examined.

CHAP. III.

Widdringtons answer to Fa. Lessius argument taken from that maxime, [Hee that can doe the greater, can doe the lesse,] is confirmed.

Secondly, the foure Instances, which hee brought to confute he said argument and maxime, are examined, and proued to be neither friuolous nor impertinent, but sound, sufficient, and to the purpose.

Thirdly, Cardinall Bellarmines example touching the translation of the Romane Empire, and the argument which D. Schulekenius bringeth to confirme the same, with

two

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two other examples of Clodoueus King of France, and of Boleslaus King of Polony, are confuted.

CHAP. IIII.

Widdringtons interpretation of that clause of the Oath, wherein the doctrine [that Princes who are excommunicated, or depriued by the Pope, may be deposed, or murdered by their subiects, or any other whatsoever,] is abiured as impious and hereticall, is prooued to bee sound and sufficient, and is cleered from all absurditie and contradiction, euen by M. Fitzherberts owne examples, and that it may without periurie be sworne by any Catholike.

CHAP. V.

Widdringtons answeres to all M. Fitzherberts arguments, taken from the law of God, both in the olde and new Testament, are prooued to be truely probable and sincere, and no way fraudulent, or contrary to his owne doctrine.

SEC. 1. First, all the authorities, which are brought out of the old law, are confuted in generall, by the doctrine of Cardinall Bellarmine and other learned Diuines.

Secondly, the arguments taken from that place of Deuteron. 17. Si difficile & ambiguum, &c. and the examples of Eleazar and Iosue, and from the difference of the sacrifices to be offered for Priests and Princes, together with the testimonies of Philo, Theodoret, and Procopius, are answered in particular.

SEC. 2. All M. Fitzherberts arguments taken from the olde law, since the institution of Kings, are at large examined;

mined : and first his argument, taken from the authority of Priests and Prophets, to create, annoint, chastise and depose Kings, is disprooued.

Secondly, Widdringtons answers to the examples of Queene Athalia, deposed by Ioiada the high Priest, and of King Ozias deposed by Azarias the high Priest, are confirmed, and whatsoeuer D. Schulckenius obieſteth against the said answers is related, and answered.

Thirdly, it is shewed, that the authority of S. Chrysostome brought by M. Fitzherbert to confirme the example of King Ozias, maketh nothing for him, but against him, and that in vrging this authority he dealeth fraudulently, peruerteth Saint Chrysostomes meaning, and also contradicth Card. Bellarmine.

SEC. 3. All M. Fitzherberts arguments taken from the new Testament, are examined : and first, his comparison betweene the old law, and the new, the figure and the verity is prooued to make against himselfe.

Secondly, those words of our Sauour, Whatsoeuer thou shalt loose, &c. and Feed my sheepe, are declared, and the arguments drawne from thence, and from the nature of a well instituted Common-wealth are satisfied; and Doctor Schulckenius Reply is proued to be fraudulent and insufficient.

Thirdly, the authoritie of the Apostle, 1 Cor. 10. affirming, that he and the rest were readie to reuenge all disobedience, is answered: M. Fitzherberts fraud in alledging the authority of S. Augustine is plainly discovered, and the Conclusion of his Chapter shewed to be false and fraudulent.

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CHAP. VI.

M. Fitzherberts arguments taken from the law of Nature are confuted: and first it is shewed, in what manner temporall things are by the law of Nature subordinate to spirituall, and the temporall Common-wealth to the Church of Christ.

Secondly, that Religious Priests cannot by the law of Nature punish temporall Princes temporally; and that in the law of Nature the ciuill societie was supreme, and disposed of all things, as well concerning religion, as State, and that therefore the new Oath, denying the Popes power to depose Princes, is not repugnant to the law of Nature.

Thirdly, the difference betwixt the directiue and coerciue power, and how temporall things become spirituall, is declared, and from thence prooued, that the Church may command, but not inflict temporall punishments; and diuers Replies of M. Fitzherbert and D. Schulckenius are confuted.

CHAP. VII.

1. Certaine places of the old and new Testament are explained: 2. D. Schulckenius Reply to the answer Widdrington made to those wordes, Whatsoeuer thou shalt loole, &c. and thirdly, Cardinall Bellarmines second reason, and Fa. Parsons answer to the Earle of Salisburie grounded thereon; and fourthly other arguments brought by M. Fitzherbert, from the examples of Ananias and Saphyra, and of others, and from the practise of the Church, and the person of man, are cleerely confuted.

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CHAP. VIII.

M. Fitzherberts arguments taken from the law of Nations and the Ciuill law are answered : and first the difference betwixt the Priests of the old and new Testament, and the Priests of other Nations, and also betwixt the law of Nations and of Nature, is declared.

Secondly, from thence it is prooued, that among all Nations the ciuill common-wealth was supreme, and disposed of all things both spirituall and temporall, and punished all persons both Priests and others with temporall punishments, and consequently that the new Oath cannot be impugned by the law of Nations.

Thirdly, what M. Fitzherbert objecteth from the Ciuill Law, is confuted.

CHAP. IX.

First, the difficulties which some make concerning the authoritie of the Lateran Councell are propounded.

Secondly, the decree of the Council, which is commonly vrged to prooue the Popes power to depose Princes, is related.

Thirdly, Widdringtons first answer to the said decree is prooued to be sound and sufficient, and M. Fitzherberts replies against the same are confuted.

CHAP. X.

Widdringtons second answer to the decree of the Lateran

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teran Councell (*affirming that absolute Princes are not comprehended therein, because they are not mentioned by their proper names, but by inferiour titles*) is *prooued to be neither improbable nor absurd, but conforme to the doctrine of learned Diuines and Lawyers; and M. Fitzherberts exceptions against the said answers are shewed to be very insufficient and fraudulent.*

CHAP. XI.

Widdringtons first answer to an obiection propounded by himselfe is *prooued to bee sufficient, and that the consent of temporall Princes is necessary to the validitie of Ecclesiasticall constitutions, which inflict temporall punishments, and consequently are not made by true spirituall authoritie.*

Secondly, *the doctrine of the Lord Cardinall Peron, in his speech to the Lower house of Parliament against the Oath propounded by them, is examined.*

Thirdly, *M. Fitzherberts obiections grounded vpon the decrees of Pope Callixtus, Vrbanus, the Councell of Eliberis in Spaine, and the constitution of the Apostles are cleerely confuted.*

CHAP. XII.

An other answer of Widdrington grounded vpon certaine Glossers, or Expositours of the Canon Law is confirmed, and M. Fitzherberts exceptions against the same are prooued to be fraudulent and insufficient.

[2]

Secondly,

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Secondly, it is shewed, that from no Canon of the Church it can be prooued, that the custome of the Church is, or hath beene to inflict by her spirituall authoritie temporall penalties.

Thirdly, the true difference betwixt the Diuines and Canonists, concerning the Popes power in temporalls is declared.

CHAP. XIII.

Widdringtons third answer to the decree of the Lateran Councell is confirmed.

Secondly, it is shewed, how certaine it is, according to the doctrine of learned Catholikes, that the Church cannot erre in decrees or precepts of manners; from whence it is cleerely deduced, that from the Decree, or rather Act of the Lateran Councell it cannot with any colour of probabilitie be prooued, that it is a point of faith, that the Pope hath authoritie to depose temporall Princes.

Thridly, all M. Fitzherberts arguments to shew the contrary, are most plainly confuted.

CHAP. XIII.

Three Instances grounded vpon three examples of Popes Decrees and sentences brought by Widdrington, to confute three arguments of Fa. Lessius, whereby he labourerh in vaine to demonstrate, that the foundations of the Decrees and sentences of Popes and Councells, must bee certaine and of faith, are prooued to be sound and sufficient.

Secondly, the first example brought by Widdrington

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is confirmed, and M. Fitzherberts exceptions against the same are confuted, and hee himselfe in setting downe Widdringtons Instances, and applying them to the decree of the Lateran Councell, is convinced of manifest fraud and falsehood.

Thirdly, that proposition, Many things may be certaine to the Sea Apostolike, and yet seeme vncertaine to other learned men, is examined.

CHAP. XV.

Widdringtons second example and his Instances grounded thereon, are confirmed, and M. Fitzherbert in impugning the same is convinced of manifest fraud and ignorance, in taxing therein of fondnesse the learnedst Divines of his owne Societie.

Also Widdringtons third example, and his Instances grounded thereon, are prooved to be sound and sufficient, and M. Fitzherberts fraud in relating the said Instances, and applying them to the Lateran Councell, is plainly discovered.

CHAP. XVI.

Another argument, or rather answer of Widdrington is confirmed, and M. Fitzherbert in labouring to proove that Widdrington by his owne grant is fallen into heresie or error, is convinced of palpable ignorance.

The Conclusion of all Widdringtons discourse in his Preface to his Apologeticall answer, is confirmed; and what M. Fitzherbert excepteth against the same, and also

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his briefe Recapitulation of all his Discourse in this his Treatise, are confuted.

CHAP. XVII.

M. Fitzherberts uncharitable Admonition to the Catholike Reader, that Widdrington is no other then an heretike, disguised and masked vnder the vizard of a Catholike, and that his submission to the Catholike Romane Church, proceedeth from no other ground, but from a deepe dissimulation, or rather artificial and execrable hypocrisie to delude and deceiue Catholikes, is clearely confuted, and prooued to be void of charity, learning, and sincerity : and what reasons the King and State may haue to permit such submissions, is there declared.

Widdringtons answere to the Popes Breues, forbidding the Oath, is confirmed, and hee freed from all disobedience and irreuerence for not admitting them.

The decree of the Cardinals forbidding two of Widdringtons Bookes, and commanding him to purge himselfe forthwith, is fully answered by his Purgation, and humble Supplication, which he made forthwith to his Holinesse.



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HOW dangerous and pernicious a thing it is (*deare Contreymen*) in any temporall Kingdome or Common-wealth to coyne, or willingly to vtter, and much more by fraud or violence to force the people to accept of counterfeit money, any man of meane vnderstanding may easily perceiue. And truly no lesse dangerous and pernicious is it in the spirituall Kingdome and *Church of Christ*, which is *the pillar and firmament of truth*, to inuent, forge, or divulge, and which is farre worse, to thrust vpon the faithfull by fraud and violence false articles and positions for true and infallible *Catholike faith*, but especially in things which are greatly preiudiciall to the temporall *Soueraigntie* of Christian *Princes*, whom *Christ* our Sauour, hath appointed to be *Nurcing Fathers* and *Protectors* of his Church: for that thereby not onely Christian *Princes* are extreamely wronged, but also the Christian Religion is greatly scandalized, and the soules both of *Princes* and subiects are much endangered: and therefore no lesse thanks doe they deserue at the hands of the Church of God, who should discouer a false and forged Catholike faith, and the first inuenters or publishers thereof, then doe they at the hands of the temporall Kingdome, who should disclose false and counterfeit

1 Tim. 3.

Isay 49. Concil.
Trid. sess. 25.
cap. 10. de Re-
form.

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terfaiſt money, and the firſt coiners or vtterers of the ſame.

2 And this is the very caſe betweene me and my Aduerſaries in this controuerſie concerning the *Popes* pretended authority to depoſe temporall Princes, and to diſpoſe of all their temporalls. For I accuſe them, and alſo in my iudgement clearly conuince them, that they haue, if not coined and forged, yet at leaſt- wiſe not onely taught and divulged, and, which is worſe, endeauoured by fraud and violence to thruſt vpon Catholikes a falſe and forged Catholike faith, but alſo that they haue wrongfully defamed and ſlandered thoſe Catholikes, and my ſelfe in particular, who doe plainly diſcouer their falſhoods, and that they ſeek both by deceitfull and violent meanes to hinder aſwell the learned as the vnlearned people, that they ſhall not by the true touchſtone and vndoubted rules of the Catholike faith, & by reading thoſe books which doe exactly and ſincerely debate this queſtion, examine in what a fraudulent manner they ſeek to colour this their falſe and newly forged Catholike faith: wherein they doe moſt egregiouſly abuſe all Chriſtian *Princes* and people, moſt exceedingly ſcandalize Catholike Religion, and as much as lyeth in them, they make the *Sea Apoſtolike* odious and dreadfull both to Princes and people, and giue occaſion of perpetuall diſcord betwixt the Kingdome and the Prieſthood, whereby they prepare the way to *Antichriſt*, and lay open a wide gap to Schiſme, hereſie, Atheiſme, and infidelity.

3 For if vnder the pretence of aduancing the *Popes* authority

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authority in so great prejudice of *Regall* Soueraignty, we once forsake the ancient and approoued rules, by which as by an assured touchstone the true Christian and Catholike faith, hath alwaies been discerned from the false and counterfeit, what vndoubted grounds shal we haue to build our Catholike faith vpon, *which* In the Creed of S. Athanasius.
vnlesse euery one shall keepe entire, and inuiolate, without doubt he shall perish eternally? If Christian Princes & people once perceiue, that the supream Pastours of Gods Church doe both permit and applaud some learned men, who are otherwise potent in the Court of *Rome*, to impose by fraud and violence vpon the Church of Christ, in fauour of that authority which they pretend to haue ouer all temporals, a false and forged Catholike faith for true, and to disgrace and slander all those who shall detect their forgeries, why may not the said Princes and people iustly suspect, as Fa. *Lessius* argueth^d, that the Catholike faith and Religion is for a great part thereof a meere inuention of men, deuised of set purpose by Popes, Bishops, and Cleargie men in policie, that they may more securely dominiere, and vnder a shew of piety and Religion, dispose of all temporals at their pleasure? And therefore how much these men are to answer at the day of iudgement, for so greatly wronging Christian Princes, for so mightily scandalizing Catholike Religion, for so much endangering the soules of all sorts of people, and for so vniustly oppressing and slandering innocent and zealous Catholikes, who doe plainly discouer their fraud and falshoods, I cannot but tremble, when I
(*) seriously

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seriously consider the same.

4 And if perhaps my *Aduersaries* will in their owne defence alledge, that one may be excused from all fault before God and man, who in zeale should teach any doctrine to be *Catholike*, which he sincerely in his conscience thinketh to bee truely Catholike, albeit perchance in very deed it is not so; as also he that vittereth counterfeit money not knowing it to bee counterfeit, but sincerely thinking that it is good and lawfull coine, is not to be condemned before God or man: I *answere*, that all things done in zeale are not free from sinne, when the zeale is blinde, and grounded vpon an erroneous conscience, and culpable ignorance: Otherwise we might excuse from all fault the *Jewes*, for crucifying our *Sauour*, and putting to death his Disciples, for that *they did it through ignorance*, and *thought thereby to doe seruice to God*; and *S. Paul* for blaspheming and persecuting the Christians, before his conuersion, *because he did it being ignorant in incredulity*.

Luke 23.

Iohn 16.

Act: 1.

*Bell. lib. 2. de
gemitu columbe
cap. 9.*

5 And therefore *first* I wish them to remember that admonition, which Cardinall *Bellarmino* my chiefest Aduersary giueth to the Pastours and Prelates of the Church vpon occasion of relating the fearefull death of Pope *Innocent* the third, who greatly busied himselfe with the deposing of temporall *Princes*, and with the disposing of temporall kingdomes, whereby great warres, and much effusion of innocent blood, were caused in the Church of God (which perchance was one of the three causes for which the said Pope, as Cardinall *Bellarmino* rehearseth, had beene *damned eternally*,

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nally, if he had not repented at the houre of his death.) For first he deposed *Philip*, and set up *Otho*, then he deposed *Otho*, for seeking to recouer certaine townes and forts belonging to the Empire, which the said Pope in the time of *Frederikes* minority had taken into his owne possession: afterward he sought to thrust out of *Italy* the said *Frederike* the second, who before at *Aquisgrane* was crowned Emperour by the said Pope *Innocent* his authority. I omit now to relate how here in *England* he carried himselfe, first in taking part with the Barons, and deposing King *Iohn*, and (which neither *Car. Bellarmine*, nor *Suarez* dare iustifie, who will not admit that the Pope may lawfully depose a King, and giue his Kingdome from the next heire; who is free from all fault, to another) in giuing the Kingdome to the King of *France*, and his posterity for euer, wherby he depriued the next lawful heire *Henry* the 3. being a childe, of his right, without any fault committed by him: But after the Popes *Legate* had cunningly perswaded King *Iohn*, to resigne vp his Crowne and Kingdome to the Pope, then he tooke King *Iohns* part against the King of *France*, and the Barons, and commanded them not molest him, for that he was now become the Popes Vassall. But marke, I pray you, what *Card. Bellarmine* writeth of this Pope *Innocent*.

Math. Paris
in *vita Ioannis*
adamii. 1210.
Page 119.

Blondus decad.
2. l. 6.
Abbas Præp.
ad annū 1212.

Math. Paris
in *vita Ioannis*
ad annū. 1212.
pag. 123. And
seem in the
life of King
Iohn.

6 About this time, saith he, relating *Surius* words in the life of *S. Ludgard*, Pope *Innocent the third*, after the celebrating of the Lateran Councell, departed this life, and forthwith he appeared visibly to *Ludgard*. But she seeing him compassed about with a great flame of fire, demaended who

Surius ad 16.
Iunij.

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• he was: He answered, that hee was Pope Innocent: And what is this, saith she with a pittifull grone, that the common Father of vs all is so cruelly tormented? Hee answered, For three causes am I so tormented, which also had most iustly adiudged me to euerlasting torments, if by the intercession of the most pious Mother of God, to whom I built a Monasterie, I had not repented at the last houre. And truely I haue escaped eternall death, but I shall be tormented with most grievous punishments vntill the day of Iudgement: But the Mother of mercie obtained for me of her Sonne, that I might come to thee to desire prayers: which when he had said, he presently vanished away. And Ludgard told his necessities to her Sisters, that they might relieue him: but she greatly pittying his case did afflict her selfe for his cause, with wonderfull punishment. Let the Reader know, saith Thomas Cantipratenfis the writer of her life, (from whom Surius tooke the same) that those three causes are, by the reuealing of Ludgard, not vnknewne to vs, but for the reuerence of so great a Pope, we would not relate them.

7 Which example, saith Card. Bellarmine, is wont oftentimes to terrifie mee exceedingly, and to cause mee to tremble. For if so commendable a Pope, and who in the eyes of men was accounted not one'y honest and prudent, but also a Saint, and woorthy to bee imitated, did scape so narrow'y hell fire, and is to bee punished vntill the day of Iudgement, with the most grievous fire of Purgatory, what Prelate would not tremble? who would not examine most exactly the secrets of his conscience? For I doe easily perswade my selfe, that so great a Pope could not commit dead'y sinnes, but being deceiued vnder the shew of good, by flatterers, and those

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those of his owne household, of whom it is said in the Gospell, Math. 10
A mans enemyes are they of his owne household.
Therefore let vs all learne by this so great an example, to examine carefully our conscience, least perchance it be erroneous, albeit to vs it seeme to be right and sound. Thus Cardinall Bellarmine, whose counsell in this point, I thinke it necessary, that all my Aduersaries with Cardinall Bellarmine the chiefe of them, and my selfe should duely consider, least that the zeale, which all of vs pretend to haue, be blind, and not according to knowledge, and that our conscience, albeit to vs it seeme to bee right and sound, bee erroneous, and grounded vpon culpable ignorance. For my owne part, I haue examined my conscience very carefully, and cannot find my selfe guilty of any fault, for examining this controuersie touching the lawfulnessse of the *Oath*, and the *Popes* power to depose *Princes*, and that I was not moued thereunto for feare, flattery, hope of gaine, or any other worldly respect, but truely and sincerely, God is my witnesse, for the loue, I beare to God, Religion, my Prince and Countrey, to finde out the Catholike truth, and being found, to embrace, professe, and follow it, and thereby according to our *Sauours* commaundement, *to render to God and Caesar that obedience, which doth belong to them.*

8 Secondly, therefore I wish my Aduersaries to consider, what may in the iudgemēt of any prudent man, be thought of those men, who by fraud or violence should seek to force vpon any one a great sum of gold, which he greatly suspecteth to be false and counterfaite, and

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therefore refuseth to accept thereof, before hee hath fully tryed whether it be true or forged coyne : and whether any fault be to be found in him, both for desiring to haue the gold examined by the touchstone, and those waies by which true gold is discerned from counterfaite, before hee bee compelled to take it for good and currant ; and also for giuing his reasons why hee thinketh the same to bee false and forged : And if they will not suffer him to make triall, whether it be good or no , but will needes haue him to take it for good gold, when not onely himselfe, but also diuers other skilfull Gold-Smiths doe greatly suspect, yea and are fully perswaded, that it is naught and counterfaite, and if he refuse to accept thereof in that manner, they should seeke to disgrace him with the *Prince* and people, and to accuse him of disobedience to the State; and who wilfully refuseth to accept and acknowledge the *Kings* coyne for lawfull, whether these men doe not great wrong to that party, and whether it may not be prudently thought, that they haue a guilty conscience, and that they themselves suspect the said gold, not to bee indeed so good and currant, as in words they would pretend.

9 Now the case betweene mee and my Aduersaries is farre worse then this. For they haue sought by false and fraudulent meanes, not onely to impose vpon the whole Christian world, a false and counterfait Catholike faith, for truly Catholike, but to slander and defame all those Catholikes, and my selfe in particular, who, for the reasons wee haue often
propoun-

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propounded, refuse to accept thereof for Catholike, untill it be better prooued so to be, and to condemne vs of temerity, and disobedience to the *Sea Apostolike*, yea and of flat heresie; and they would make the world beleue, that wee are not true Catholikes, but *heretickes disguised and masked under the vizard of Catholikes*. And albeit we doe publikely professe our selues to be true Catholikes, and doe submit all our writings to the iudgement and censure of the *Catholike Romane Church*, and doe sincerely and solemnly protest to recall and recant foorthwith our errour, if wee haue committed any, as soone as it shall be made knowne vnto vs, that wee haue written any thing amisse, yet they feare not to affirme, contrary to all iustice and charity, that all this our profession, submission, and protestation, is but *a false luster and glosse, to cast vpon our counterfaite ware of purpose to deceiue*, and that it proceedeth from no other ground, but from a *deepe dissimulation*, or rather an artificiall and execrable *hypocrisie to delude and deceiue Catholikes*.

For so saith Mr. Fitzherbert c. 17. no. 19.

So saith Fitzherbert c. 17 no. 1. & 26.

10 Neither will they suffer vs to examine by the true grounds of Catholike Religion their newly inuented Catholike faith, and to yeeld our reasons, which doe fully perswade vs, that their faith, which they pretend to be Catholike, is not ancient and true, but a newly inuented, and a false and forged Catholike faith, but they haue caused his *Holineesse* to condemne our bookes, which in our iudgement doe plainly discouer their forgeries, and to forbid all Catholikes, as well learned as vnlearned to read them, without

without signifying vnto vs any one thing in particular which we haue written amisse, although wee haue often and earnestly requested to know the same : but all that they say or write, wee must, *forsooth*, without any further examination approoue for good and currant doctrine, albeit wee haue most plainly conuincd them of manifest fraude and falshood, in almost euery one of their arguments and answeres, which they haue brought to prooue their doctrine, in this point of the *Popes* spirituall authority to depose *Princes*, and to inflict temporall punishments, to be truely Catholike. All which being duely considered, what infinite wrong they haue done vs, it is too too manifest, and albeit they pretend true zeale to Catholike Religion, and to the *Sea Apostolike*, yet for my own part I cannot see, but that any prudent man may iustly suppose their zeale to bee blind, and not according to knowledge, but grounded vpon culpable or wilfull ignorance, and that they themselues suspect their owne conscience to bee erroneous, and their cause to be naught, and therefore would not haue it to be further sifted and examined.

II For seeing that the nature of truth, being like to pure and perfect gold, is such, that the more it is examined, the more cleere and perspicuous it doth still appeare, and contrariwise falshood the more it is sifted, the absurdity thereof still sheweth it selfe more manifest; if my Aduersaries are in their consciences perswaded, as in wordes they professe, that they haue truth on their side, and that the authority

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thority of spirituall Pastours to *excommunicate* vpon iust cause Christian Princes, to *binde and loose*, and to *dispence in Oathes* in generall, which all Catholikes acknowledge to be included in their spirituall power, be denyed in the late *Oath* of allegiance, as they pretend, or that their authoritie to depose *Princes*, which all men confesse to bee denyed in the *Oath*, bee certaine, out of controuersie, and a cleere point of Catholike faith (for which two causes chiefly they cry out against the *Oath*, and condemne it for vnlawfull, as containing in it more then temporall allegiance, to wit, a manifest denyall of Ecclesiasticall authority,) why are they so much afraide to haue the matter charitably and sincerely debated by learned men? Why will they not suffer those Catholikes, especially who are learned, and to whom the charge of soules is committed, and are able to discerne betwixt truth and falshood, betwixt Catholike faith and opinion, and who ought to bee alwaies *readie* and prepared, to *satisfie* euerie one that asketh them a reason of that faith which is in them, to reade such bookes as doe sincerely and exactly handle this controuersie, and all the difficulties on both sides, and doe plainly declare, in what particular manner all Christians are bound by the law of *Christ*, according to the true and approoued grounds of Catholike Religion, to render to God and *Cesar* that which is *their due*? 1. Pe. 3. Math. 22.

12. Why doe they so shamefully abuse his *Holinesse*, by misinforming him, that his power to *excommunicate*,

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*Onuphrius, l. 4.
de varia creat.
Romani Ponti.*

municate, to binde and loose, and to absolue from Oathes in generall, is denyed in the Oath, and that his power to depose Princes, which indeed the Oath denyeth, is a point of faith, and thereupon by vrging him to condemne the Oath, as containing in it many things flat contrary to faith and saluation, and to forbid those bookes of Catholike Writers, that doe plainly discouer their forgeries, and euidently conuince, that no such spirituall power, as they pretend, is denyed in the Oath, and that his power to depose Princes, which the Oath denyeth, is not a point of faith, but hath euer since the time of Pope Gregory the seventh (for before his age the practise thereof was not heard of, as Onuphrius witnesseth) it hath euer beene a great controuersie betwixt Popes, and Christian Princes, and those Catholikes who haue fauoured either part: and, which is more extrauagant, by vrging him to commaund vnder paine of Censures the Author of those bookes to purge himselfe forthwith, and yet not to signifie vnto him any one crime either in generall, or in particular of which he should purge himselfe, although hee hath very often most humbly and instantly requested to know the same.

13. Why doth not Cardinall Bellarmine, my chiefest Aduersarie, being accused by mee to his Holinesse, in publike writings of manifest fraudes, falshoods, corruptions, and calumnies, cleare himselfe all this time of such fowle imputations, which cannot but greatly blemish his honour, and quite discredit his cause in the vnderstanding of any iudicious

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deicious man? if in his conscience hee thinke himselfe to bee guiltlesse, and that I haue falsly accused him, why doth hee not answere and iustifie himselfe, and shew to the world that I haue belyed him, that also thereby I may see my errour, and aske him publicke forgiuenesse, and bee penitent for the same? If hee see that I am innocent, why doth hee not restore my credit, which hee hath wrongfully taken away, and in plaine tearmes confesse, that hee was deceiued and mistaken in this controuersie, and imitating the example of famous Saint *Augustine*, retract all that hee hath written amisse, especially to the hurt and disgrace of innocent men? Can any man of iudgement imagine, that hee being now so neere his graue, would take such paines to write euery yeere some one or other little Treatise of deuotion (which neuerthelesse will not excuse him before God, from restoring the good name of them whom hee hath falsly defamed) and that hee would bee so carelesse to purge himselfe of such shamelesse crimes, which cannot but leaue his memory tainted with perpetuall infamy, if with his credit hee could cleere himselfe? And therefore, if he did sincerely consider the admonition hee gaue to other Prelates, vpon occasion of *Pope Innocents* examples, to examine their conscience carefully, whether it bee sound or erroneous, hee might truly haue iust cause to bee sore afraid, and greatly to suspect, that howsoeuer hee maketh an outward shew of zeale, sanctitie, and deuotion, hee hath within an erroneous and *curd*

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conscience, for which hee must shortly, before the tribunall of God render a strict account.

14 All which their proceedings being duely considered, whether they are not manifest signes, that in their owne consciences they suspect the iustice of their cause, and doe plainly see, that they are not able to make good their newly inuented Catholike faith, and yet will still goe on to maintaine by fraude and violence, what they cannot by reason and argument, wherein also how much they discredit themselues & their cause, how mightily they scandalize Catholike Religion, and make the *Sea Apostolike* odious to *Princes* and subiects, how egregiously they wrong and slander innocent Catholikes, and how greatly they endanger their owne soules and others, I leaue to the iudgement of any prudent and pious man.

15 Wherefore my chiefe drift, *good Reader*, in this my answer to M. *Fitzberbert* is *first*, to keepe and maintaine entire and inuiolate the puritie of true Catholike faith and Religion, which is greatly defiled, not onely by impugning true and vndoubted articles of faith, but also by forging and defending false articles for true. *Secondly*, to defend my innocency (which as long as I haue a pen to write, or a tongue to speake, I will, God willing, not bee afraide to maintaine against any man whatsoeuer, that shall falsly accuse me and my doctrine of heresie) and to make knowne my sincere proceeding in handling this great and dangerous controuersie, which concerneth our obedience due to *God* and *Cesar*, and the fraudulent and
corrupt

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corrupt dealing of my Aduersaries, who by fraud and violence seeke to afflict, intangle, and disturbe the consciences of scrupulous and vnlearned Catholikes, and to nourish in their hearts such dangerous speculations, which without manifest treason can neuer bee put in practise. *Thirdly*, to make manifest to all men that the doctrine for the Popes power to depose *Princes* is not certaine, vnquestionable, and a point of faith, but very doubtfull, vncertaine, and at the most onely probable: and consequently, that it cannot bee practised by the Pope, or any other whatsoeuer, without manifest iniury to the Prince, who is in lawfull possession of his Kingdome, of which the Pope vnder pretence onely of a probable power or title seeketh by his sentence to depriue him; for that according to the approved rule of the law, and grounded vpon naturall reason, *In causa dubia, siue incerta melior & potior est conditio possidentis.* In a doubtfull or disputable case the condition of the possessor is to bee preferred. And therefore, as well obserueth Fa. *Lesius* in his *Singleton*^a, *potestas, quae non omnino certa, sed probabilis, non potest esse fundamentum, &c.* A power, which is not altogether certaine, but probable, cannot be a ground or foundation, whereby immediately one may be punished, and be depriued of his right and dominion, but such a power must be most certaine, and not doubtfull, or disputable, &c.

De regulis Iuris in 6. & ff. de regulis Iuris regula, In pari causa.
^a Par. 2. nu. 38.

16 So that there is a great difference to be made, for as much as concerneth practise, betwixt a power onely probable, which rendereth to fauour, and is hurtfull to none, and which is penall and prejudiciall to a

third person, who is depriued thereby of some thing which he lawfully possesseth. For it is most certaine, and approoued by all Diuines, that one may practise a probable power, to vse *Lesius* words, *Quando agitur de fauore & beneficio, & nemo cogitur, nemo iure propinquo seu in re obtento spoliatur, sed potestas que non omnino certa sed probabilis, non potest esse fundamentum, &c.* When it is treated of a fauour and benefit, and no man is forced, or compelled, no man is spoiled of his next right, or which hee possesseth indeed, but a power which is not altogether certaine, but probable, cannot be a ground or foundation, whereby immediately one may be punished, or depriued of his right and dominion, &c. And for this cause my Aduersaries, knowing right well that if they should once admit that this power of the Pope is onely probable, they must consequently grant, that it is *merus titulus sine re*, and can neuer bee lawfully put in practise by any Pope, Prince, or subiect whatsoeuer, haue so much laboured to conuince out of all lawes humane and diuine, that this power is not onely probable, but most certaine, and a cleare point of faith. But how shamefully they haue spent their labour in vaine, and what friuolous and fallacious arguments they haue brought vnder pretence of spirituall good, to make *Soueraigne Princes* (whom all the ancient Fathers with uniforme consent acknowledge to bee supream on earth, and next vnder God in temporals) to bee in temporals subiect to the Pope, and that the more they strue to make their doctrine in this point to be certaine, and of faith, the more they shew it still to be lesse probable, and to bee inuented

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invented and maintained onely in fauour of the Pope without sufficient grounds, thou shalt see it, *good Reader*, in this Treatise made as cleare and manifest, as the light at noone-day.

17 Onely I must desire thy patience and pardon, for my often repeating the selfe same things, which may seeme to some to bee both superfluous and tedious, but to me for satisfaction chiefly of the vnlearned Reader, it seemed very necessary, especially, for that the chiefe state of the controuersie depends thereon, and yet my Aduersaries will scarce take notice thereof, yea, and are not ashamed to affirme, that I doe not teach any such things, although they haue beene by mee very often inculcated. As among other things, for example sake, albeit I haue in all my bookes so often repeated that distinction betwixt the *directiue* and *coerciue* power, betwixt *commanding*, *enioyning*, or *imposing*, and *inflicting*, *punishing*, or *disposing*, and that I doe so often and so expressely affirme, that spirituall Pastours haue by the institution of Christ authority to command, enioyne, and impose temporall and coporall penalties, but to inflict them, to punish temporally, and to dispose of temporall things, onely by the consent and grant of temporall Princes, *Page 258.* yet Cardinall Bellarmine in his *Schulckenius* is not ashamed to auerre, that *Widdrington* denieth the Pope to haue authority to command temporall Princes in temporals in order to spirituall good, and therevpon taxeth him of teaching flat heresie; and the most that M. *Fitzherbert* prooueth in this his *Replie*, is, as you shall see, that spirituall

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rituall Pastours may, for the necessitie of the Church, and the good of soules, command, enioyne, and impose temporall and corporall afflictions, as fasting, almes deedes, vsing of haire-cloth, and the like, whereof no Catholike maketh doubt : And therefore I thought it necessarie to inculcate, as often as occasion should require the aforesaid distinction, it being the maine mark to which the greatest part of all my Aduersaries arguments, and of my answeres doe principally tend, and whereon the whole state of the Controuersie berwixt me and them, concerning the Popes power to depose *Princes*, and to dispose of all temporals, doth chiefly depend.

CHAP.



C H A P. I.

wherein Widdrington freeth himselfe from two fraudes, where-
of hee is wrongfully accused, and returneth them backe upon his
Aduersarie; secondly he discovereth the fraude, and fallhood
of his Aduersaries reasons, which he yeeldeth for the supposi-
tion of his Discourse, and that therein he contradicteth his owne
grounds; and thirdly hee plainly sheweth, that hee hath an-
swered probably, and like a good Catholike.

I.



Here bee three things (*Good Reader*) which
my *Aduersary* Mr. *Fitzherbert* in the first
chapter of his *Reply* doth wrongfully lay to
my charge. The first is, that I have lame-
ly, and fraudulently set downe the summe
and substance of his discourse in the two
first Chapters of his *Supplement*; the second,
that in relating a supposition of his, I have
vsed two fraudes, the one in the relation of his wordes, and the other
in the vse and application of them: the third is, that I haue nei-
ther answered probably, nor like a good Catholike. And because
the Reader may the better iudge of the sufficiencie, and truth of both
our answeres, (for my onely desire is that the trueth in this difficult
controuersie may be cleerely knowne) I will obserue the same me-
thode, order, and number of Chapters, which he doth; and there-
fore my answer to his first accusation, for that he remitteth his *Rea-*
der for prooffe thereof to his *fift*, *sixt*, and *seuenth* Chapters, I will also
referre to those places, and only his two accusations I will examine with
him in this Chapter.

2. To begin therefore with his second accusation; whereas in the
beginning of my answer to the substance of Mr. *Fitzherberts* discourse,
I affirmed, ^a that first of all he supposeth, that the Popes power to excom-
municate and depose Princes, (if they deserve it, and the good of the
Church, and the saluation of soules doe necessarily require it) is denied in

a *Disp. Theol.*
in *Admonit. ad*
Lectorem num. 12

" this oath, whereupon hee concludeth afterwards, that although the oath
 " doth not expressly affirme, that the Kings Maiestie is supreme head of
 " the English Church, nor in plaine words deny the Pope so to be; yet it sup-
 " poseth, and implieth both the one, and the other, and thereupon denyeth the
 " Popes authoritie to excommunicate and depose a temporall Prince: and
 " howsoever the matter may be otherwise coloured, it is euident, that the
 " true reason, why the said authoritie of the Pope is impugned by the oath,
 " is no other, but because the Kings Maiestie is held to be no way subiect to
 " the Pope, yea and to be himselfe supreme head of the Church of
 " God in England. This being presupposed, hee goeth about to prooue,
 " that this oath is repugnant to the law of God, of Nature, of Nations, Can-
 " on, and Ciuill, &c.

3 Now M^r. Fitzherbert doeth bouldly, but vntreuly affirme,
 that I haue esed herein two fraudes, the one in the relation of his wordes,
 the other in the use and application of them. For albeis, saith hee, ^bWid-
 drington aduageth them truely, and doth not falsifie my text, yet hee
 relateth them in such sort, that his Reader must needs conceiue, that I lay
 them downe in the very beginning of my Discourse for the onely foundation,
 and ground of all my building; and therefore as soone as he hath cited them,
 he saith, hoc posito probare contendit, &c. this being supposed, hee la-
 boureth to prooue, that this oath is repugnant to the Diuine, and Naturall
 law, to the law of Nations, Ciuill, and Canon. So hee, and then hee pro-
 ceedeth to the abridgement of all my Discourse, beginning with the law of
 God in the olde Testament, and so goeth on with the rest, and impug-
 neth my supposition, as the onely foundation of all my Discourse and ar-
 guments.

4 But the truth is, hee findeth those words of mine in the 66. page
 of my Supplement, (as it may appeare by his owne quotation thereof) af-
 ter I haue discoursed of the law of God in the old, and new Testament, and
 of the lawes of Nature, and Nations, and of the Ciuill law, in the conclusion
 whereof I haue those words, referring them to the Ciuill law onely: for ha-
 uing prooued, that the said law confirmeth and establisheth the Popes su-
 premacie, I inferred, that it cannot fauour, and much lesse enioyne, and
 iustifie the oath for two reasons, the one, because the said oath is in part grow-
 ned upon the belief, that the Kings Maiestie is supreme head of the Church
 of God in England, and noway subiect to the Pope (which is repugnant
 to the Ciuill law) and the other, because the Ciuill law acknowledging the
 subiection of temporall Princes to the Pope in matters belonging to their
 foules, and to the good of the Church, doeth by a necessarie consequent ac-
 knowledge, that they may be punished by him temporally in their persons
 and states, where the good of foules and the service of God doeth require
 it, according to the rule of the law, Accessorium sequitur principale,
 the accessorie followeth the principall. Thm, I say, I argued in the
 place,

place, which he citeth, and I remitted my Reader for the confirmation of this second reason to a more ample Discourse thereof before in the same chapter. ^c Now then it appeareth (as I have said) that he hath dealt fraudulently with me two ways, the one in referring my supposition to all the lawes, ^c No. 66. whereof I treated, whereas I referred the same expressly, and only to the Ci- & 56. vill law: the other, &c. Thus Mr. Fitzherbert.

5 But truly I cannot but wonder, that this my *Adversarie* should at the very first beginning of his Reply be so inconsiderate, as in wrongfully accusing me of fraude, to deale so vntruly and fraudulently himselfe, which could not but greatly empaire his credit with the iudicious Reader, and cause him to be iealous of his sinceritie in the rest of his Replies, when at the very first entrance hee should finde in him such fraudulent proceeding. For that which I affirmed is very true, and I meruaile, that Mr. Fitzherbert doth not blush to deny the same, to wit, that hee did first of all, that is, at the very first beginning of his Discourse in the sixth page of his *Supplement*, before hee began to prooue the oath to be repugnant to any law Diuine, or Humane, *supposeth* that the Popes power to excommunicate and depose Princes (if they deserve it, and the good of the Church, and the saluation of soules doe necessarily require it) is denied in this oath. For these be his expresse words in the sixth page, and ninth number of his *Supplement*.

6 Therefore I thinke good to let him understand better, that my meaning is not to contradict any article of the oath, that concerneth merely Ciuill obedience to our Soueraigne, but such clauses only, as doe either directly, or indirectly preiudice the authoritie of our spirituall supreme Pastor, and namely those which doe exempt temporall Princes from excommunication and deposition by the Pope, when iust occasion shall be giuen by them, and the necessitie of the Church, and the good of soules require it: to which purpose I will prooue (marke well these words) that this new oath in respect of such clauses is repugnant to all lawes Humane, and Diuine, and therefore iustly condemned by his Holinesse, and refused by Catholikes. First then I will speake of the law of God, &c. So he.

7 Wherefore it is apparant, that Mr. Fitzherbert in the very beginning of his Discourse referreth his aforesaid supposition to all lawes both Humane, and Diuine, and yet now to taxe mee of fraude, hee doth not blush to say, that I haue dealt fraudulently with him in referring his aforesaid supposition to all the lawes whereof hee treateth, whereas, saith he, hee referred the same expressly and onely to the Ciuill law: Which error of his I would not willingly haue construed in the worse sense, but attribute it only to his obliuion, and forgetfulnesse of what he himselfe had written in the beginning of his Discourse, and not to any fraude in him, but that my wordes which hee himselfe doth relate, are so plaine, that he cannot bee excused either from manifest fraude, or

from so palpable an error, which no man of vnderstanding can scarcely commit. For marke my words, which he himselfe setteth downe. *First of all he [M. Fitz.] supposeth that the Popes power to excommunicate, and depose Princes, is denied in this oath; whereupon afterwards (to wit, in the 66. page, as it is euident by my quotation) hee concludeth, that although the oath doth not expressely affirme, that the Kings Maiestie is (supream head of the English Church, nor in plaine words deny the Pope so to be, yet it supposeth, and implieth both the one, and the other, and thereupon denyeth the Popes authoritie to excommunicate and depose a temporall Prince, &c.*

8 Now who serth not, that I did cleerely distinguish betwixt *first of all*, and *afterwards*, betwixt *his supposition*, which I referred to *first of all*, and to the beginning of his discourse in the *sixth* page, before he began to treat of any of the lawes, as also it may euidently appeare by those words of mine, *This being supposed hee laboureth to prooue, &c.* and betwixt *his conclusion*, which I referred to *afterwards*, and quoted the 66. page, where he treateth in particular of the Ciuill law. But because I quoted onely the place, where my *Aduersarie* maketh the aforesaide *conclusion*, for that the *Reader* could otherwise hardly finde it out, vnlesse he should read 66. pages together, and did not quote the place, where hee made his supposition, for that by those words of mine, *first of all he supposeth*, and thole other, *This being supposed hee laboureth to prooue, that this oath is repugnant to the law of God, of Nature, of Nations, Ciuill and Canon*, the *Reader* might easily perceiue, that this *supposition* of his was in the beginning of his discourse, before he beganne to treat of any of the lawes; Belike my *Aduersarie* thought, that hee might easily from hence haue some colour to taxe me of fraudulent proceeding at the very first beginning, little imagining that my words should be so narrowly scanned, and that the *Reader* would easily conceiue the difference betwixt *first of all*, and *afterwards*, betwixt his *supposition in the beginning of his discourse*, page 6. and his *conclusion*, page 66. but guile hath heerein beguiled it selfe, and whilest my *Aduersarie* by taxing mee of fraude, thought to discredite mee at the very first entrance, hee hath cleerely prooued himselfe to bee guiltie both of fraude and falshood.

d No. 6.

9 *The second fraude, which my Aduersarie Widdrington hath used, saith M^r. Fitzherbert, ^d is, for that he laboureth, as it seemeth, to perswade his Reader, that all my arguments and reasons are grounded vpon a false supposition of my owne, which hee sayth, I doe not any way prooue, but suppose as known of it selfe, and this hee seemeth to gather out of my owne wordes alledged by him, as you haue heard, wherein I affirme, that the new oath supposeth and implieth a deniall of the Popes supremacy, although it bee not expressely denied therein (hee should haue said, wherein I affirme, that the oath*

oath denieth the *Popes* authoritie to excommunicate and depole a temporall Prince, for this is that, which I said, hee did suppose, and no way prooue) *When neuerthelesse hee could not but see, even in the verie* e 24. 9. *same place, from whence hee tooke my wordes, that I did not prooue the oath to be unlawfull by that supposition onely, but also by the subordination, and subjection of temporall things to spiritual, when the good of soules, and the service of God requireth it: Besides that, it is most euidēt in my discourse concerning diuers of those lawes, that I deduced the unlawfulnessse of the oath, from the very substance of them, as it will manifestly appeare heereafter, when I shall come to touch them in particular. Thus Mr. Fitzherbert.*

10 But that I haue vsed no fraude at all in my wordes, as my *Adversary* vntreuly affirmeth, and that rather that imputation of fraude may bee retorted backe vpon himselfe, it is very apparant. For in the beginning of his discourse, to wit, in the *sixt page* of his *Supplement*, he supposeth, as you haue seene, that the *Popes* power to excommunicate and to depole Princes is denied in this oath, which also afterwards in the 66. page he confirmeth, and in regard onely of these two clauses, hee taketh vpon him to prooue, that the *Popes* spirituall authoritie is denied therein: VVhich his *supposition*, for as much as concerneth his power to excommunicate, and consequently his spirituall Supremacie, for that the former is according to the doctrine of all Catholikes included in this latter, as a particular in the vniuersall, I shewed in my *Theologicalall Disputation* against *Cardinall Bellarmine*, *Fa. Gretzer*, *Disputatio* and *Lessius* to be cleerely false, and withall, in my answer to the substance of this my *Adversaries* discourse, I affirmed, that hee doth not prooue it with any one argument at all, but supposeth it as knowne of it selfe: which any man that will but sleightly run ouer his discourse, may presently perceiue to be true. *Theol. c. 4. sect. 1*

11 For albeit he doeth boldly affirme, and suppose, that the *Popes* power to excommunicate, and to depole Princes is denied in this oath, and consequently, if the *Popes* power to excommunicate Princes be not denied therein, his position, or copulative proposition is false, for that to the truth of a copulative proposition it is required, that both parts of the copulation bee true, and to make it false, it sufficeth that one onely part of the copulation be false, yet he bringeth no one argument in his whole Discourse to prooue; that the *Popes* power to excommunicate Princes is denied in the oath, but cunningly passeth ouer to his power to depole, which all men confesse to be expressly denied therein: Neither can any man, who is not desirous of set purpose to misconstrue my wordes, and meaning, imagine that I intended either to deny that the *Popes* power to depole Princes is impugned in the oath, for that my whole Disputation, and also my answer to this my *Adversaries* Discourse, doth plainly shew the contrary, or to affirme, that my *Adversary*

farie doth suppose as knowne of it selfe, and by no reason at all endeavour to proove, that the *Pope* hath power to depose Princes, and that therefore the oath in regard of this clause, which is expressly denied therein, is unlawfull, for that I have briefly related and answered many of his arguments to this purpose, and those words of mine, which he himselfe relateth, *This being supposed, he goeth about to proove, that the oath is repugnant to the law of God, &c.* doe cleerely convince the same.

12. But my onely intention and meaning was to affirme, as the Reader may plainly gather from my words, that my *Adversarie* at the verie first entrance of his Discourse supposeth, that the oath doth containe in it a deniall of the *Popes* power to excommunicate and to depose Princes, and that to these two generall heads hee promised to reduce all the arguments and exceptions, which hee should bring against the oath; And that although he hath endeavoured by the subordination of temporall things to spirituall, and by many other arguments drawne from diuine and humane lawes, to prooue, that the *Pope* hath power to depose Princes, yet concerning his power to excommunicate, which all Catholikes doe beleue to bee graunted to him by *Christ*, that hee bringeth no one argument, or shew of an argument, to prooue that it is denied in this oath, but supposeth it, as being graunted, or known of it selfe.

13 Whereby it is apparant that I am free from all fraude in this point, and that my *Adversarie* cannot bee excused from fraudulent proceeding, both for wrongfully accusing mee of fraude, and also for taking vpon him in the beginning of his Discourse to impugne the oath, as being repugnant to all lawes humane and diuine, for that it containeth a deniall of the *Popes* power to excommunicate and to depose Princes, and yet not bringing any one argument to prooue that his power to excommunicate is denied therein, but supposing it as knowne or granted, and cunningly passing ouer to his power to depose: which considering *It hath ever beene a great controuersie*, saith *Fa. Azor*, *& betwixt Emperours and Kings on the one part, and the Bishops of Rome on the other, and the Schoolemen*, saith *Trithemius*, *& doe contend about the same*, it is no hard matter for a man of meane Theologicall learning to scrape together, as *M^r. Fitzherbert* hath done, out of so many Authors, who haue written in fauour of the *Popes* power to depose Princes, some colourable arguments to prooue the same; all which neuerthelesse haue beene heerebefore by mee, and others very cleerely answered.

14 Considering therefore, that neither his *Maiestie* did intend to deny in this oath the *Popes* power to excommunicate him, although the lower house of Parliament, as his *Maiesty* himselfe affirmeth, *at the first framing thereof, made it so containe as much, which hee forced them to reforme,*

f Tom. 2. l. 17.
cap. 5. q. 8.
g In Chronica
Monast. Hir-
aug. ad annum.
4106.

h In his Pre-
monition. p. 9.

forme, neither is there any one clause in the oath, from which it may bee gathered, that the saide power to excommunicate is denied therein, neither did my *Adversary* bring any one argument, or shew of an argument to prooue the same, although in the very beginning of his Discourse hee promiseth to prooue, that the oath in respect of this clause is repugnant to all lawes humane and diuine: for this cause I vsed these words, which now my *Adversary* carpeth at, *That it is a wonder that learned men do not blush to affirme with so great confidence, that to be his Maiesties meaning, which hee himselfe in publike writings doth expressly professe not to be his meaning, and to inculcate so often and so coldly without any solide prooffe, that very argument (concerning the deniall of the Popes power to excommunicate) which both by his Maiestie, and many others hath beene so often very soundly confuted.*

15 Now Mr. *Fitzherbert* taketh great exceptions against these wordes, and groundeth vpon them his third accusation, that I haue neither answered probably, nor like a good Catholike. *Whereto I answered first*, saith hee, *concerning his vaine bragge of the sound confutation of our argument, that seeing the same hath no other ground or prooffe herre, but his owne word, and idle affirmation, it deserueth no other answer for this place, but a flat deniall.* But I might likewise returne his owne answer of his vaine brag and idle affirmation, to those words of his, *That the oath implieth the deniall of the Popes Supremacy, and that hee and others haue amply prooned, that whosoener abiureth the Popes power to depose Princes, doth consequently abiure his spirituall authoritie: yet I will obtaine from such bitter termes, and whether it bee a vaine bragge of my owne, and an idle affirmation, or rather a very true assertion, that their argument concerning the deniall of the Popes power to excommunicate, whereof in that place I did onely speake, hath beene sufficiently confuted or no, the Reader by my answers may easily perceiue.*

16 For Cardinall *Bellarmino*, Fa. *Lessius*, *Gretzer*, and this my *Adversary* doe affirme the oath to be vnlawfull, and to deny the Popes spirituall authoritie, for that it denieth his power to excommunicate, which all Catholikes graunt to bee included in his spirituall Primacy. That his power to excommunicate is denied in this oath, Fa. *Gretzer*, and my *Adversarie* doe suppose as manifest, neither doe they bring any one argument for the prooffe thereof, and therefore their assertion, or rather supposition may with a meere deniall bee as easily confuted. Cardinall *Bellarmino* also at the first did barely, & without any prooffe, but onely by the way of an interrogation affirme, or rather suppose the same. And being taxed by his Maiestie of falshood, for affirming so boldly, *That the Popes power to excommunicate hereticall Kings, is plainly denied in the oath, seeing that this point concerning the Popes power to excommunicate, was in this oath purposely declined by his Maiesty, yet Cardinall*

Cap. 15.

nall *Bellarmino* afterwards in his *Apologie*,¹ bringeth no other prooffe for clearing himselfe of that imputation, then which in effectt hee had brought before.

17 That I did truly affirme, saith he, that the Popes power to excommunicate euen hereticall Kings is denied in that forme of oath, it is manifest by those wordes of the oath. Also I doe sweare from my heart, that notwithstanding any declaration, or sentence of Excommunication or deprivation made or granted, or to bee made or granted by the Pope or his Successours, &c. I will beare faith, and true allegiance to his Maiestie, his Heires, and Successours. But whosoever sweareth that he will obey an hereticall King, notwithstanding the Popes excommunication, doth not hee together sweare, that he acknowledgeth not in the Pope power to excommunicate hereticall Kings? for otherwise it were not an oath, but sacriledge, to sweare, that hee will not obey the sentence of Excommunication made by the Pope against an hereticall King, if he should beleue, that the Pope hath power to excommunicate hereticall Kings.

in In Disput.
Theol. cap. 4.
sect. 1.

18 To this argument I gaue two answers. ^m The first was, that a Catholike man either terrified with feare, or mooued for hope of gaine, may sweare, that he will not obey a iust Excommunication, and by so swearing commit sacriledge, who neuerthelesse doth beleue, that the Pope hath power to excommunicate: And therefore from those words of the oath [notwithstanding any sentence of Excommunication, &c. I will beare true allegiance to his Maiestie, &c.] or to speake more plainly from these words [notwithstanding a iust Excommunication I will not obey it] it cannot bee rightly inferred, that I therefore deny the Popes power to excommunicate. But whosoever sweareth in that manner, saith *Cardinall Bellarmine*, either denyeth the power to excommunicate, or committeth sacriledge. Be it so. But if this second were freely granted him, this neuerthelesse being granted, I cannot in any wise perceiue that to bee true, which hee before did absolutely, and without any disunction affirme; In this branch of the oath the Popes power to excommunicate hereticall Kings is plainly denied.

19 My second and principall answer was the very same in effectt, which his Maiestie before had giuen, to wit, that by swearing the foresayde branch, neither the Popes power to Excommunicate is abiured, nor any sacriledge committed. For hee who sweareth, that notwithstanding any sentence of Excommunication to be denounced against the King, he will beare faith, and true allegiance to his Maiestie, although hee doth sweare, that hee will obey the King being excommunicated, because Excommunication hath not power to depriue Kings of their temporall dominions, and Iurisdiction, as *Beccanus* with many other learned Diuines, whom I cited in my *Apologie*, doth affirme, yet he doth not sweare, that hee will not obey a iust Ex-

Apol. m. 346.

com-

communication, as Cardinall *Bellarmino* doth ill conclude. For albeit he beleueth, that the Pope hath authoritie to excommunicate hereticall Kings, yet hee doth not beleue, that Excommunication, being a spirituall Censure, worketh this temporall effect, to deprive hereticall Kings of their Royall authoritie, to make Kings no Kings, or to take away from subiects their naturall and ciuill obedience, which by the law of God, according to Cardinall *Bellarmino*'s owne doctrine, is due to all Kings, although they be heretikes, so long as they remaine Kings.

In tract. contra Barcl. cap. 21. pag. 102.

20 Nowe *Fa. Lessius* argued in this maner. You will say, saith he, that the power to excommunicate is not here denyed, but onely a certaine effect of Excommunication, which is, that notwithstanding a Prince be excommunicated, yet shall not the subiects be released from the bond of their allegiance. But this effect doth necessarily follow the sentence of Excommunication, as the practise of the Church for the space of more then twelue hundred yeeres doth shew. To this argument I answered, that by no practise at all of the Church it can be prooued, that the absolving of subiects from the bond of their allegiance, which by the law of God is due to all absolute Princes, is an effect of Excommunication, but at the most another punishment, although sometimes imposed together with Excommunication, as *Becanus* with many other learned Catholikes doe acknowledge: concerning which punishment, whether it may for any crime be imposed by the Popes authoritie vpon absolute Princes, or onely vpon inferiour Princes by the consent of absolute Princes, to whom they are subiect in temporals, it hath euen bene and is also now a controuersie among learned Catholikes, as by the testimonie of those two Authours, whom I cited a litle before, and also of many others cited by me else where, it doth cleerely appeare.

o No. 13.

21 From hence it is very apparant, sayth *Becanus*, that heretikes by this precisely that they are excommunicated, are not deprived of their dominion or iurisdiction either ouer their subiects, or ouer their temporall goods, but this deprivation is a distinct punishment, and inflicted by a distinct law. And againe, It is one thing, sayth he, to excommunicate a King, and another thing to depose him, or to deprive him of his kingdome, neither is the one necessarily connected with the other. Many Kings and Emperours haue bene excommunicated, and yet not therefore deposed, and contrariwise many deposed, and yet not therefore excommunicated.

p in Apolog. nu. 4 & seq. and in this Treatise, part. 1. per totum. Becanus in q. de fide hereticis seruanda cap. 8. nu. 16. Becan. in Controu. Angl. cap. 3. q. 2.

22 Excommunication sayth *Suarez*, can not haue this effect (to take away the dominion of a kingdome, or of a people, and the paying of tributes, and doing seruices which are answerable thereunto) concerning such subiects, vntlesse an other thing be first supposed, which is, that the Lords be deprived of their dominion, or the vse thereof, because the dominion remayning still in is force, it can not be, but that the subiects are bound to obey, and consequently

Suarez tom. 5. disp. 1 §. sic. 6. nu. 3.

frequently to communicate at leastwise as much as is necessary to fulfill their
 obligation, according to the chapter *Inter alia desentent. excommun.*
 But Excommunication of it selfe hath not this effect, because as it doth not
 deprive of the dominion of other temporall things, nor of the use of them, so it
 doth not deprive of this dominion, because there is no more reason of that, nei-
 ther is there any law, wherein this is specially ordained of Excommunication;
 I say of Excommunication, because this is sometimes ordained in the law con-
 cerning some excommunicated persons, as heretikes, yet by this speciall ordi-
 nation we may understand, that Excommunication of it selfe hath not this ef-
 fect; for when this effect is to follow, it is necessarie, that it be specially expre-
 ssed in the law or sentence. And therefore when this effect is adjoynded, I doe
 not call it an effect of Excommunication, but a peculiar punishment imposed
 together with Excommunication, as when an heretike is excommunicated, and
 deprived of the dominion of his goods, this deprivation is not an effect of Ex-
 communication, but a certaine punishment ioyned together with Excommuni-
 cation. Thus Suarez.

23 We haue therefore out of Becanus, and Suarez, that the de-
 priving Princes of their dominion, or iurisdiction is not an effect of
 Excommunication, contrarie to that which Fa. Lessius saide; Wee
 haue also out of Cardinall Bellarmine, and the same Suarez, that subiects
 are not releas'd from the bond of their obedience, vnlesse the Prince
 be deprived of his dominion, or iurisdiction; for that to deny obedience
 to a Prince, sayth Cardinall Bellarmine, so long as he remaineth Prince, is
 repugnant to the law of God; and the dominion or iurisdiction of a Prince,
 sayth Suarez, remayning in its force, and not being taken away, it can not
 be, but that the subiects are bound to obey, because the obligation of obedi-
 ence, sayth hee, in any degree or state whatsoever doth so long endure in
 the subiect, as the dignity, or power, and iurisdiction doth endure in the
 Superiour, for these are correlatives, and the one dependeth vpon the other.
 So that you see how well these learned Diuines of the Societie of Iesus
 doe agree amog themselves in assigning the reason, for which this oath
 of allegiance doth containe in It a manifest deniall of the Popes power
 to excommunicate, and of his spirituall Supremacie. And whether En-
 glish Catholikes for so weake and slender arguments, and wherein our
 learned Aduersaries doe not agree among themselves, are bound to ha-
 zard their perpetuall libertie, and whole estate, with the vtter ruine of
 their posteritie, I remit to the iudgement of the pious and prudent Rea-
 der. Thus I answered in my *Theologicall Disputation*, which after wards
 in my *Appendix to Suarez* I did more fully explaine. Now let the Rea-
 der iudge, whether this my answere to their argument be a vaine brag,
 and an idle affirmation of my owne, or a solid confutation thereof,
 and whether I had not reason to affirme, that learned men doe not
 blime to inculcate so often and so coldly without any solid proofe that very an-

Bellar. in trar.
 contra Barcl.
 cap. 21. Pag.
 202.

Suarez in De-
 fens. fidei Cath.
 lib. 6. cap. 3. nu.
 6.

In Append.
 part. 2. sect. 4.

gement, which both by his Maiestie, and many others hath bene very soundly confuted, considering that my Adversary doth so boldly affirme, that the oath is vnlawfull and repugnant to all lawes humane and diuine, for that it denyeth the Popes power to excommunicate, and yet he bringeth no argument at all to prooue the same, but it must, forsooth, be supposed as certaine, and besides he concealeth what I before at large had answered to the aforesaid argument. And thus much concerning his first answer and exception.

24 Secondly, saith my Adversary, ^{q. 24. 14} touching the declaration of his Maiesties mind in this point; I cannot but mervaile, that such a learned man, as this Anthour is held to bee, cannot distinguish betwixt the contents of the oath, and the end or intention of him that ordained it. For I will not deny, but that his Maiestie might intend nothing else by ordaining this oath, but to exact of his subiects a profession of their obedience vnto him, and yet neuerthelesse hee that should take the oath should thereby abiure the Popes Supremacie (for the reasons before declared) notwithstanding his Maiesties protestation of his intention. This will be euident, if we turne the case to a like oath of the Popes part, as for example; if the Pope should exact an oath of Catholikes to sweare, that the King cannot deprime a lawfull Bishop of Canterbury, and should withall protest, that he meaneth not thereby to make them abiure, or deny the Kings authoritie, but only to profess their dutie and obedience to the Sea Apostolike, I make no doubt, but that the Protestants would say according to their grounds, that this protestation and declaration of the Popes mind, could not excuse the takers of such an oath from the deniall of the Kings Royall authoritie, because his Ecclesiasticall Supremacie is (according to the Protestants opinion) so necessarily included in his Regall, or Kingly power, that whosoener denieth the one, doth consequently deny the other. In which respect, I say, the Popes protestation of his meaning, or intention could not in the Protestants opinion, warrant the swearers from periurie.

See these reasons beneath,
m. 33. & seq.

25 And so say we in this case of his Maiesties publike profession, and declaration of his intention, that it cannot alter the nature of the oath, or derogate any thing from the contents thereof, or from the Popes Supremacie, or from his Maiesties beleefe concerning the same, and much lesse can it make any thing in the oath lawfull, which is otherwaies vnlawfull: and therefore I say, that (seeing the Popes power to depose Princes, is necessarily included (according to our doctrine and beleefe) in the Popes Ecclesiasticall Supremacie, that the takers of the new oath, cannot be excused from the deniall of the Popes supreme authoritie; nor consequently from periurie, notwithstanding any protestation of his Maiestie to the contrary: for if he should protest, that he doth not force the takers of the oath to abiure the Popes Supremacie, it were Protestatio contraria factis, a protestation contrary to his deeds, which the Lawyers hold to be nothing worth.

26 But first my *Adversarie* could not but cleerely see, howsoeuer here he is pleased to babble, that I, who as he scoffingly saith, am held to be so learned a man, not only could distinguish, it being no such difficult point of wit, or learning, but also did oftentimes in my *Apologie*, *Apologeticall answer*, *Theological Disputation*, and in my *Appendix* to *Suarez* in expresse wordes distinguish betwixt the end of the worke and of the worker, of the Art, and Artificer, of the law and precepts therein contained, and of the Lawmaker: and shewed, that when the words of any law are ambiguous, they are to be vnderstood according to the intention and meaning of the Lawmaker, and that neither the intention of his *Maieslie* was to deny in this oath the *Popes* power to excommunicate, or any other his spirituall authoritie, but *onely* to require of his *Catholike* subjects a profession of: that temporall and ciuill obedience, which all subjects by the law of God and nature do owe to their lawfull Prince, neither in the oath is contained any clause, which by learned *Catholikes* is not thought to belong to temporall, & ciuill obedience.

27 Wherefore there is a great disparitie betwixt the oath, which the *Pope* should exact concerning his *Maieslies* power not to deprive a lawfull *Bishop* of *Camberburie*, and this new oath of allegiance concerning the *Popes* authoritie not to depose his *Maiesties*: because that Ecclesiasticall Supremacie, which his *Maieslie* doth challenge, is, according to the opinion of all Protestants, necessarily included in his Regall or Kingly power, inso much that whosoever denieth the one, doth consequently, in the opinion of all Protestants, deny the other: but the *Popes* authoritie to depose Princes is not, according to the opinion of all *Catholikes*, necessarily included in the *Popes* spirituall Supremacie, for that many learned *Catholikes* doe hold, that the *Pope* hath no such power to depose Princes, and therefore hee that denieth his power to depose, doth not consequently, according to the opinion of all *Catholikes*, deny his spirituall Supremacie. And albeit *M^r. Fitzherbert* doeth boldly affirme, that, according to his beliefe, the *Popes* power to depose Princes is necessarily included in the *Popes* Ecclesiasticall Supremacie, yet I will be bold to say, that his beliefe herein is not *Catholike*, or Vniuersall, but a particular beliefe or rather an opinion of his owne and of some other *Catholikes*, the contrarie doctrine being, as I said, euen to this day maintained by many learned and vertuous *Catholikes*. And therefore vntill he bring some better ground for his beliefe, then his bare *I say*, I will also be bold to say, that the takers of the new oath are according to the doctrine of learned *Catholikes* excused from the deniall of the *Popes* supreme authoritie, seeing that, according to the opinion of many learned *Catholikes*, the *Pope* hath no such power to depose, and so neither is his *Maiesties* protestation repugnant to his deeds, nor his intention disagreeable to the contents of the oath.

28. Secondly, although my *Adversary* to prooue the oath vnlawfull, and to containe a deniall of the Popes Supremacy, doth seeme now to fly from his *Maiestties* intention to the contents of the oath, and expressly saith, *That he will not deny, but that his Maiesttie by ordaining this oath, might intend nothing else but to exact of his subiects a profession of their obedience, and temporall allegiance, and not of his Ecclesiasticall Supremacie; neuertheless he seemeth before to affirme, that his Maiestties intention, opinion, and vnderstanding is, that the Popes spirituall authoritie is abiured in this oath, and his Ecclesiasticall Supremacie is acknowledged therein, which the iudicious Reader may plainly gather both by those wordes in his Supplement before related, wherein hee auoucheth* *That it is euident enough that the true reason why the Popes authoritie to excommunicate and depose a temporall Prince is impugned by the oath, is no other, but because the Kings Maiesttie is helde (both by himselfe and other Protestants) to be no way subiect to the Pope, yea and to be himselfe supreme head of the Church of God in England, and also by the first of these two reasons, which he bringeth heere in his Reply, why he supposed, that the oath implieth a deniall of the Popes Supremacy.*

r See his words beneath, N^o. seq. 29.

29 And as for my supposition, saith he, *that the Oath implieth the deniall of the Popes Supremacy (he should haue said of the Popes authoritie to excommunicate and depose a temporall Prince, for this was his supposition, as I cleerely shewed before) Thou shalt vnderstand, good Reader, that I was moued thereto by two reasons, which are manifest enough in the very place, which Widdrington citeth: The one was, because it is euident, that the faith and beliefe of all English Protestants is, that the Kings Maiesttie is no way subiect to the Pope, but that hee is himselfe supreme head of the Church of God, in England. Whereupon it may with great reason bee inferred, that the deniall of the Popes power to depose his Maiesttie, which is expressly contained in the oath, is supposed and implied therein, as a necessary consequent of their beliefe, who ordained it.*

30 For it is great reason to interpret all assertions, positions, lawes, or decrees (especially such as touch Religion) according to the doctrine and beliefe of the Authors thereof, for it is to bee presumed, that euery one speaketh, writeth, and decreeth, according to the grounds and principles of his beliefe and Religion, as euery Artisan worketh according to the grounds and principles of his Art. And therefore, as the positions, assertions, and decrees of knowne and professed Catholics are to bee interpreted according to the grounds of the Catholike faith, so also the positions of all Sectaries whatsoever are to be vnderstood according to the different doctrines of their Sects: In so much, that if a Catholike and a Protestant should affirme both of them, one thing (which might be controuersed in respect of Religion) the sense and meaning of either of them is to be interpreted according to their different Religions, and their different grounds, and sense thereof. And vpon this conside-

ration I made no doubt to affirme, that the new oath, denying the Popes power to depose his Maiestie implieth the deniall of the Popes Supremacie; for that not onely his Maiestie, but also all they of the Parliament which decreed it, doe holde and beleue, that the Pope can not depose his Maiestie, because hee hath no authoritie at all in England, and especially ouer his Maiestie.

31 My other reason was the same that I touched before, concerning the necessary deduction of the Popes power to depose Princes from his Ecclesiasticall Supremacy: for albeit the Supremacy of the Pope be not expressly abjured, or denied by this oath, yet it is denied conuersly by a necessary consequent, because his authoritie to depose Princes (which is necessarily deduced from the supreme power that Christ gaue him) is denied thereby: as in like case, if wee should deny that his Maiestie hath any lawfull power to suspend, or deprive the Arch-bishop of Canterburie, all Protestants would say, that we deny not onely his Ecclesiasticall Supremacy, but also his temporall and Kingly authoritie, because the power to suspend and deprive Bishops within his Realme, is included therein, and necessarily deduced from it in the opinion of all Protestants. And in like manner we say with much more reason, that who-soeuer abiureth the Popes power to depose Princes, hee doth consequently abiure his spirituall authoritie, because the former is included in the later, and doth necessarily follow of it, as it hath bene amply-prooued by diuers, and namely by me in my Supplement, whereof I shall haue further occasion so lay downe the particulars hereafter. Thus Mr. Fitzherbert.

2 Chap. 5. 6 & 7

32 But first of all, good Reader, I wish thee to consider, how cunningly this my *Aduersary* concealeth the first part of his supposition concerning the denyall of the Popes power to excommunicate, whereof onely I vnderstood those words whereon hee groundeth his third accusation. In the beginning of his Discourse he supposed, as you haue seene, that the Popes spirituall Supremacie is denyed in this oath, for that his power to excommunicate and depose Princes is denyed therein. And because his *Maiesty* had in expresse words publickly affirmed, that his intention was not to denie in this oath the Popes power to excommunicate, answering also the argument, which Cardinall Bellarmine out of those words of the oath (notwithstanding any sentence of Excommunication &c.) brought to prooue the contrarie: and because my *Aduersarie* did also without any prooffe at all, suppose, as Fa. Gretzer had done before him, that the Popes power to excommunicate, and consequently his spirituall Supremacie is denyed therein, for this cause I vsed those words, that truly it is a wonder, that learned men doe not blush &c. which my *Aduersary* a little before carped at. Now, forsooth, he pretending to yeeld a reason of his supposition, yet yeeldeth none at all concerning this parte thereof touching the Popes power to excommunicate, for which onely I vsed the aforesaid words, and which

if

if he could sufficiently prooue to be denyed in this oath, all Catholikes would forthwith graunt him, that the oath containeth a denyall of the Popes spirituall Supremacie, which includeth as a generall the particular authoritie to inflict spirituall Censures, but he cunningly passeth ouer to the Popes power to depose Princes, which no man doubteth, but is denyed in this oath, & yeeldeth *two* reasons, such ones as they be, why he supposed the oath to containe a denyall of the Popes Supremacy, for that the Popes power to depose Princes is denied therein.

33 His *second* reason (for thereof I will speake in the first place) which he tooke from the contents of the oath, is the same, which hee touched before concerning the necessarie deduction, according to his beliefe and doctrine, of the Popes power to depose Princes from his Ecclesiasticall Supremacie: But his beliefe and doctrine herein, as also I touched before, is not Catholike, but a particular beliefe, or rather opinion of himselfe and some other, and not generall of all Catholikes, for that many learned Catholikes, as I shewed before, are of opinion, that *Christ* hath not giuen to *S. Peter* or to the Church, authoritie to depose Princes, or to inflict temporall punishments, as death, exile, priuation of goods, or imprisonment, but onely Ecclesiasticall or spirituall Censures. And therefore there is a great disparitie in the similitude, which my *Aduersarie* bringeth betwixt his *Maiesties* authoritie to suspend, or deprive the *Arch-bishop of Canterburie* in the opinion of Protestants, and the Popes power to depose Princes in the opinion of Catholikes, for that al Protestants do beleue, that his *Maiesties* power to suspend or deprive an *Arch-bishop* (taking suspension in that sense, wherein the Protestants doe hold, that his *Maiestie* hath power to suspend and deprive) is necessarily included in his Regall authoritie, but all Catholikes doe not beleue, (whatsoever my *Aduersary* and some few others doe) that the power to depose Princes is necessarily included in that spirituall Supremacie, which *Christ* hath giuen to *S. Peter* and his Successours, as hath bene amply prooued by me and diuers others, and what particulars *Mr. Fitzherbert* hath laide here, or in his *Supplement* concerning this point, we will beneath in their due places examine.

34 His *first* reason he deduced from the grounds and principles of the Protestants Religion, and from the doctrine and beliefe of his *Maiesty*, and those of the *Parliament*, who made the oath. But how silly and insufficient this reason is, yea and repugnant to his owne grounds, and also of *Fa. Purson*, in whose defence hee wrote his *Supplement*, any man of iudgement may quickly perceiue. For behold his reason: *It is great reason*, sayth he, *to interpret all assertions, positions, lawes or decrees (especially such as touch Religion) according to the doctrine, and beliefe of the Authors thereof, for it is to be presumed, that every one speaketh, writeth*

teth and decreeth according to the grounds and principles of his belife and Religion, but it is an assertion, position, and the belife, not onely of his Maieftie, but also of the Parliament, which decreed the oath, that the Pope cannot depose his Maieftie, because he hath no authoritie at all in England, and especially ouer his Maieftie, therefore it is great reason to affirme, that the new oath denying the Popes power to depose his Maieftie, implieth a deniall of the Popes Supremacie.

35 But first his Minor proposition is very vntrue: For neither his Maieftie, nor the Protestants doe hold, that the Pope can not depose his Maieftie, because he hath no authoritie at all in England, and especially ouer his Maieftie. This indeed is the reason, why they hold, that the Pope cannot excommunicate his Maieftie, because he hath no authoritie at all in England, and especially ouer his Maieftie. But the reason, why they hold that the Pope hath no authoritie to depose his Maieftie, is, for that deposition, being not an Ecclesiasticall or spirituall, but a ciuill and temporall censure or punishment, for what crime soeuer it be imposed, can not be inflicted by any Ecclesiasticall or spirituall authoritie. For which reason the Protestants doe holde, that although the Protestant Bishops of this Realme haue Ecclesiasticall and Episcopall authoritie here in England, yet they haue no authoritie by vertue of their Episcopall power to depose or depriue his Maieftie of his temporall dominions, for that they take deposition for any such temporall violence, as his Maieftie affirmeth, "to be farre without the limits of such a spirituall Censure, as Excommunication is.

36 And although this be sufficient to shew the insufficiencie of this my *Aduersaries* reason, yet granting him onely for Disputation sake, which he in his Minor proposition vntruelly affirmeth, that his Maieftie, and the Parliament should hold, that the Pope can not depose his Maieftie, because he hath no authoritie at all in England, his reason neuerthelesse is both insufficient, and also repugnant to that, which Fa. Parsons, and he himselfe suppose to be true. For albeit Fa. Parsons doth confidently affirme, "that there is no man who sticketh or maketh difficultie to acknowledge our Soueraigne to be true King, and rightfull Lord ouer all his Dominions, for that every English Catholike will sweare and acknowledge most willingly all those parts and clauses of the oath, that doe any way appertaine to the ciuill and temporall obedience due to his Maieftie, whom hee acknowledgeth to be his true and lawfull King, and Soueraigne ouer all his Dominions, and the same in effect doth my *Aduersarie* in his supposition affirme, as you haue seene before, yet, according to this his reason, neither he, nor any other Catholike can acknowledge King James to be our true and lawfull Soueraigne, nor can promise to yeeld him all temporall allegiance, nor to defend him from all treasons, and traitterous conspiracies, nor to disclose them, when they shal come to their know-

u In his Pre-
monition.
p^{ar} 9.

x In his booke
intituled, The
iudgement of
a Catholike
English man
c. c. part. 1. nu.
21. pag. 13. and
16.

y Nu. 6.

knowledge, when any such acknowledgement shall be demanded at their hands by the Protestant Magistrate: for that in the opinion of all Protestants, the Ecclesiastical Supremacy of his *Majesty*, as my *Adversary* himselfe confesseth, is included, and necessarily deduced from his temporall and Kingly authoritie: and all reconcilements to the *Pope*, and all returnings of Priests into this land made by the *Popes* authoritie, are by the lawes of this Realme made treasons, and traitorous conspiracies.

37 Seeing therefore, to vse my *Adversaries* wordes, *It is great reason to interpret all assertions, positions, lawes or decrees* (especially such as touch Religion) *according to the doctrine, and beliefs of the Authors thereof, for it is to bee presumed, that every one speaketh, writeth, and decreeth according to the principles and grounds of his beliefs and Religion*, it is cleere, that if my *Adversaries* argument be good, neither he, nor any other Catholike can acknowledge King *James* to be their true and lawfull Soueraigne, and that they will yeeld him all temporall allegiance, and defend him from all treasons, and disclose them when they shall come to their knowledge, for that, in the opinion of all Protestants, his Ecclesiasticall Supremacy, as my *Adversary* himselfe confesseth, is included in his Regall and Kingly authoritie, and according to the lawes of this Realme all reconcilements to the *Pope*, and all returnings of Priests into this land, made by the *Popes* authority, are treasons and traitorous conspiracies. So that you see what contradiction there is in my *Adversaries* sayings, and what a prettie argument hee hath made to prooue himselfe a traytour, seeing that according to his owne grounds, hee can not acknowledge King *James* to be his true and lawfull Soueraigne, nor promise to yeeld him all temporall allegiance, if it should be exacted by the Protestant Magistrate; for that in the opinion of all Protestants his *Majesties* spirituall Supremacy is included in his Regall and Kingly authoritie.

38 But secondly, if Mr. *Fitzherbert* had beene pleased out of the desire of truth to handle this question betwene him and mee sincerely, and not with a flourish of wordes obscure the difficulty, and blind the vnderstanding of simple and scrupulous Catholikes, he might ether out of his owne iudgement, or at least wise from of that, which I in my *Theologicall Dissertation* did answer to the arguments of *Greus Dissertation*, who thought it vnlawfull to acknowledge King *James* to be our Soueraigne Lord in temporall, and *Capellan*, who also thought it vnlawfull for any Catholike to promise, that he will disclose all treasons and traitorous conspiracies for the reasons aforesaide, and also from that, which out of the doctrine of *Salm*, I declared in what manner we ought to interpret the wordes of any law, hee might, I say, have quickly perceived the weakness of his reason, and in what

sense his *Major* proposition, and the prooffe, which he bringeth thereof to make it true, are to be vnderstood.

39 For to repeate againe his wordes, *It is indeede great reason to interpret all assertions, positions, lawes, and decrees (especially such as touch Religion) according to the doctrine and beliefe of the Authors thereof;* whensoever the wordes are doubtfull, and vnlesse the Author doe in expresse wordes declare his meaning to be the contrary. For it is to bee presumed, that euery one, vnlesse he declare the contrary, doth commonly speake, write, and decree according to the grounds and principles of his beliefe and Religion, as euery Artisan doth vsually worke according to the grounds and principles of his Art, vnlesse hee will take vpon him to doe some worke belonging to another Art; as if a Phylitian will take vpon him to measure land, then hee must worke according to the grounds of Geometrie, and not of Physicke: And if a Protestant will speake, write, or decree like a Catholike, and vpon Catholike grounds, hee must obserue the principles of Catholike Religion, and likewise a Catholike, if he will speake, write, or decree like a Protestant, and vpon Protestant grounds, must obserue the principles of the Protestant Religion. And therefore, as the positions, assertions, and decrees of known, and professed Catholikes, are to be interpreted according to the grounds of the Catholike faith, vnlesse they declare to haue a contrary meaning; so also the positions of all Sectaries are to be vnderstood according to the different doctrines of their Sects, vnlesse they declare their meaning to bee otherwise: in so much that, if a Catholike, and a Protestant should affirme both of them one thing, which might be controuersed in respect of Religion, the sense and meaning of either of them is to bee interpreted according to their different Religions, vnlesse they declare the contrary. And in this sense my *Aduersaries* *Major* proposition is true, otherwise it is false; for doubtfull, and ambiguous wordes are euer to bee vnderstood according to the declaration of the speaker, and the wordes of euery law, whensoever they are doubtfull, are to bee taken in that sense, which the Law-maker shall declare his meaning to be.

40 Now his *Majesties*, who with the *Parliament* deuised this new oath, not for the Protestants, but to make a triall how his Catholike Subjects stand affected towards him in point of their loyalty and due obedience, hath oftentimes, as my *Aduersary* could not but see in my *Theological* *Disputation*, publicly declared his meaning; and that hee intended in this oath to exalt of his Catholike subjects nothing else, then the profession of that temporall allegiance and ciuill obedience, which all subjects (what religion soeuer they professe) by the law of God doe owe to their lawfull Prince, with a promise to disclose all contrary inciuill violence, and to make a distinction not betwixt Catholikes and Protestants, but betwixt ciuilly obedient Catholikes, and such Catholikes, as are the disciples of the *Powder-trouen*.

And

b In an Act of
Parliament
anno septimo ca.
6. and in his
Premonition
pag. 9. and in
his Apologie
pag. 2. no. 2. &
pag. 346.

And therefore his Maiestie caused the lower house of Parliament to reform that clause, which contained the deniall of the Popes power to excommunicate him. So carefull was hee that nothing should bee contained in this Oath, except the profession of naturall allegiance; and ciuill and temporall obedience. Hee saide [in this oath] for as the oath of Supremacie, saith his Maiestie, was devised for putting a difference betweene Papists, and them of our profession, so was this oath ordained for making a difference betweene the ciuilly obedient Papists, and the perverser disciples of the Powder-Treason. And againe, This oath, saith his Maiestie, was ordained only for making of a true distinction betweene Papists of quiet disposition, and in all other things good Subiects and such other Papists, as in their hearts maintained the like violent bloodie maxims, that the Powder-Traitors did. The same also, but in more ample wordes affirmeth his Maiestie in his Apologie for the oath.

41 Seeing therefore that his Maiestie hath so often, and so publicly declared, that he intended by this oath nothing else, but to make a true distinction, not betwixt Catholikes and Protestants, but betwixt Catholikes and Catholikes, and to vrge them only to make a profession of that naturall and ciuill obedience; which all Subiects, of what Religion soeuer they bee, doe by the law of God owe to their lawfull Prince, there is no reason to draw an argument from his Maiesties intention or beliefe, and from the grounds and principles of the Protestants Religion, but only from the contents of the oath it selfe, to proue it to be vnlawfull, and to containe in it any thing which is repugnant to Catholike faith and Religion. And that this is a probable answer, and not a vaine bragge, and idle affirmation of my owne, it is so euident, that I dare aduenture to remit it to the iudgement of my Adversarie himsele, albeit he sticketh not at this time to affirme, that I haue neither answered probably, nor like a good Catholike.

42 Concerning which last accusation hee writeth thus: *¶ Now* c No. 17. *then to conclude this point, whereas Widdrington saith, as you haue heard, that it is meruaile, that learned men blush not to affirme the Kings minde to be that, which his Maiestie hath declared to be no part of his meaning, I may well say, that it is a farre greater wonder, that hee professing to be a Catholike, and knowing and confessing as he doeth in his Epistle Dedicatorie, and after in his Theologicall Disputation, that his Holinesse in two Breues hath declared his mind concerning this oath, palam & ex professo, openly and expressly (to wit, that it containeth many things which are manifestly repugnant to the Catholike faith and salvation of soules) it is, I say, an extreme wonder, that he blusheth how extremely to defend the said oath, contrary to the expresse stricke commandment of his spiritual Pastour, whose voice he is bound to heare and obey, if he bee a sheepe of Christs fold, and child of the Catholike Church.* And therefore I conclude, that hee speaketh him-

d In Principio.
e Cap. 10 sec. 2.
no. 1. & 2.

felless not only impudent, but also impudens in preferring the declaration of a temporall Prince (which neuertheless being well weighed, doeth nothing helpe because, or prejudices ours) before an Apostolicall decree of S. Peters Successour, whose obedient child he professeth and ought to be, wherein he sheweth sufficiently, how good a Catholike he is, and whom he holdeth for his Supreme head in Ecclesiasticall causes, as also what probability we may expect of him hereafter for the confirmation of the rest of his assertions, seeing that wee have found him at the very first so fraudulent, frivolous, and contrarie to his owne profession, as you haue heard in this Chapter. Thus you see with what bitterness Mr. Fitzherbert concludeth his first Chapter.

43. But if hee had beene pleased to haue dealt vprightly, and as hee hath in a most spitefull manner vrged against me this obiection, which is taken from his Holinesse Breues, so also he had set downe the answer which in the tenth Chapter of my Theological Disputation I gaue thereunto, the Reader would presently haue perceiued, that my Adversarie hath passed the bounds of Christian charitie and iustice in wrongfully accusing me of impudence, impietie, and disobedience to the Apostolicall decree of S. Peters Successour, whose obedient child I did there, and also I doe heere professe my selfe to be, and am readie to obey in all those things wherein, according to the grounds of Catholike Religion, hee hath authoritie to command: Neither can my Adversarie without blushing affirme, either that the Popes Holinesse, altho hee bee Saint Peters Successour, cannot erre in his particular commands and decrees, which are not propounded to the whole Church, but to particular Churches or Kingdomes, or that any Catholike is bound to obey him in those things, wherein, according to the doctrine of learned and vertuous Catholikes, hee hath no authoritie to command.

44. First therefore I shewed in that place out of the doctrine of Fa. Suarez, that there are two sorts of humane precepts, as well Ecclesiasticall, as Ciuill. The one is called a *constitutive* precept, which of it selfe maketh that thing, which it forbiddeth to be vnlawfull, which otherwise if that precept were not, would not be vnlawfull: as the eating of flesh in Lent, and the doing of seruile workes vpon Sundaes, and Holidayes, which if they were not forbidden by humane lawes, would not be vnlawfull. And although a *constitutive* precept of humane power may sometimes binde with danger of some great temporall losse, as of goods, liberties, yea also of life, yet the Ecclesiasticall law, setting aside scandall and contempt, which are forbidden by the law of God, and nature, doe seldome or neuer binde with very great temporall harue: and therefore wee are not bound to abstaine from flesh in Lent, or from doing seruile workes vpon Sundaes.

daies and holidiaies; when we are like to incurre thereby any probable danger of some great temporall hurt.

45 The other is called a *declarative* precept, which doth not of it selfe make, but suppose and declare the thing, which it forbiddeth to be vnlawfull, as being before prohibited by some other former law, as theft, murder, drunkenneſſe and ſuch like, which are otherwiſe forbidden by the law of God and nature. And this kind of precept, as well obſerueth *Suarez*, dependeth onely vpon the reaſon, for which the act is commanded, or forbidden, or, which is all one, vpon the precedent law, from whence all the obligation of the *declarative* precept doth proceed. In ſomuch that if the reaſon be not true, and that there is no ſuch precedent law, or obligation, as the *declarative* precept affirmeth to be, the *declarative* precept hath no force to binde at all: and with the ſame certaintie, or probabilitie we are bound, or not bound to obey a *declarative* precept, as it is certaine or probable, that there is, or is not any other former bond and obligation.

46 As for example, his *Holineſſe* doth by his *Brenes* forbidde all Engliſh Catholikes to take the new oath of allegiance, for that therein are contained many things, which are cleerely repugnant to faith and ſaluation. If therefore it be certaine, or probable, that nothing is contained in this oath which is repugnant to faith, or ſaluation, it is alſo certaine or probable, that this *declarative* precept of his *Holineſſe*, which is grounded vpon this reaſon, that ſomething is contained therein contrary to faith and ſaluation, is, according to the doctrine of *Suarez*, of no force to bind, neither are Engliſh Catholikes by vertue of this *declarative* prohibition bound to reſuſe the ſaid oath.

47 Secondly, I alſo ſhewed in that place, that this *declarative* command of his *Holineſſe* forbidding Catholikes to take the oath, for that it containeth many things flat contrary to faith and ſaluation, is ſuch a *declarative* precept, which is not grounded vpon any infallible reaſon, or definition of the Church, but onely vpon his opinatiue iudgement, that his reaſon is true, and that either his power to *excommunicate*, and conſequently his ſpiritual Supremacie is denied in this oath, which is very vntrue, or that his power to depoſe Princes, which is denied in the oath, is a cleere point of faith, and neceſſarily included in his ſpiritual Supremacie, and conſequently the denyall thereof is plainly repugnant to Catholike faith. Which being ſo, it is manifeſt, that wee are no further bound to obey this *declarative* prohibition of his *Holineſſe*, then we are bound to follow his opinion, and to belieue, that either his power to *excommunicate*, or ſome ſuch like is denied in the oath, or that whoſoeuer denyeth his power to depoſe Princes, denyeth the Catholike faith.

48 Whereupon I concluded, that conſidering neither his power

Part. 1. per. 10.
sum.

to *excommunicate*, or any such like is denied in this oath, as I have prooued at large against Card. *Bellarmino*, and others, nor that his power to depose Princes, which is expressly denied in the oath, is certaine and of faith, the contrary doctrine being probable and also maintained by many learned Catholikes, as partly also I have already prooued by the testimonie of learned Catholikes before alledged, and heere beneath by answering all my *Aduersaries* obiections I will make it more manifest, there can bee made no doubt, but that any English Catholike may with a safe conscience, or without any crime of disobedience to his supreme spirituall Pastour, or any prejudice to Catholike faith, refuse to obey his *Holinesses declarative* command which is onely grounded vpon such an opinion, which, considering the contrary is probable, and defended by many learned Catholikes, may without any note of impudencie, impiety or disobedience be rejected by Catholikes.

49 *Thirdly*, I also affirmed in that place, that no Catholike doth onely for this cause take the oath, or thinke it to be lawfull, because the *Kings Maiestie*, being of a contrarie Religion doth command it, or thinke it to be lawfull, as though those Catholikes, who take the oath, doe it onely vpon the *Kings* bare word affirming the oath to be lawfull, and seeme thereby to preferre the opinion of a Protestant Prince in things, which in some sort doe belong to Religion, before the opinion of our supreme spirituall Pastour, but because the *Kings Maiestie* being our lawfull Prince, and Soueraigne Lord in temporals, what religion soeuer hee professeth, hath established an oath of allegiance to make a triall how his Catholike subiects stand affected towards him in point of their loyaltie and due obedience, and commanded all Catholikes to take the same, which oath learned Catholikes for probable reasons doe thinke to be truely an oath of temporall allegiance, and to containe nothing which is repugnant to faith and saluation, therefore English Catholikes to obey the iust command of their Prince doe take the oath, and thinke it to be lawfull, both for that they hauing duely examined all the clauses of the oath, doe find nothing therein contrarie to faith and saluation, and also for that many learned Catholikes, whose opinion they may lawfully follow, albeit other Diuines with the *Popes Holinesses* doe thinke otherwise, doe constantly maintaine the same.

50 Neither doe I give more credite to his *Maiestie*, then to his *Holinesses*, but both of them with all dutifull respect I doe honour, and also belecue in those things, which they of their certaine knowledge doe affirme to be true: And therefore, as I belecue his *Maiesties* Royall word affirming, that his intention was not by this new oath of allegiance to deny the *Popes* power to *excommunicate*; so also I belecue, that
first

first *Breue* of his *Holinesse*, was not surreptitious and written without his knowledge or priuie, for that in his second *Breue* he doth auerres much. But as for the first *Breue*, wherein English Catholikes are commanded not to take the oath, for that it containeth many things flat contrary to faith and saluation, it being, as I saide, onely a *declaratiue* precept, and grounded vpon a fallible, and in my iudgement, a very false opinion, that either the *Popes* power to *excommunicate* is denied in the oath, or that it is a point of faith, that the *Pope* hath power to depose Princes, it is euident, according to *Snarez* doctrine, that no Catholike is bound to obey this his *declaratiue* precept, vnlesse hee be also bound either to beleue, that the *Popes* power to *excommunicate* is denied in the oath, which is apparantly vntrue, or to follow his opinion concerning the certaintie of his power to depose, which being in controuersie among Schoolemen, and learned Doctours, and as yet not decided by the Iudge, as no man is bound according to the common doctrine of *Vasquez*, and many others, to follow it, so also no man is bound, according to the approued doctrine of *Snarez*, to obey his *declaratiue* precept, which is grounded thereon.

51 Lastly, I obserued in that place, that if his *Maiestie* should by *Act* of *Parliament* commaund all his Catholike subiects to acknowledge by oath, that the *Pope* is not by the institution of Christ the direct temporall Lord of this Kingdome, or of any other, and that hee hath no direct power to depose his *Maiestie*, and that they will beare faith and true allegiance onely to his *Maiestie*, as to their direct Lord, and Soueraigne, &c. and his *Holinesse* following the Canonists opinion who hold it hereticall to affirme, that the *Pope* hath not direct dominion ouer the whole Christian world, should by his Apostolicall *Breues*, forbid all English Catholikes to take such an oath, for that it containeth (as the Canonists imagine) many things contrary to faith and saluation, (as *Pope Sixtus* the fifth, if any credit may bee giuen to the *Iesuites* themselves did intend to condemn, if he had liued, Cardinall *Bellarmino* his first tome of controuersies for impugning the *Popes* direct dominion in temporals) the very same inuestiue, which Mr. *Fitzherbert* maketh against mee, accusing me of impudencie, impietie, disobedience, and of being no good Catholike, for not obeying the *Popes declaratiue* precept, which is only grounded vpon such an opinion, which no Catholike is bound to follow, for that the contrary is maintained by many learned Diuines, hee might also make against all those Catholikes, who following heerein Cardinall *Bellarmino*, and the common doctrine of Diuines, should take that oath, and thinke it to bee lawfull, notwithstanding the *Popes declaratiue* precept to the contrary. And doubtlesse Cardinall *Bellarmino* who vehemently impugneth the Canonists opinion, would easily

in the like manner as I have cleered my selfe, defend those Catholikes from all imputation of impudency, impietie, disobedience, or any other crime, notwithstanding the *Popes declaratiue* precept to the contrarie.

52 Thus did I answere to this obiection taken from his *Holinesss Breues*, but more amply in my *Theologicall Disputation*, the wing also by sundry examples, that diuers *Popes* haue in their *Apostolicall Breues*, or decretall letters registred in the Canon law, maintained false opinions, and which now are flat hereticall, and that therefore their opinions, and consequently their *declaratiue* precepts grounded thereon, are not alwaies to bee followed by Catholikes, and withal, that many learned Diuines haue impugned diuers decrees of *Popes* concerning the licences, which they haue giuen to Priests to minister the Sacrament of Confirmation, and their dispensations in the solemne vow of religious chastitie, and in marriage not consummate, who were not therefore accounted impudent, impious, or disobedient children of the Catholike Church, for that such decrees were not grounded vpon any infallible definition, but onely vpon the *Popes* fallible opinion, which they of set purpose did impugne, insomuch that learned *Solus* feareth not to confesse, that the *Popes*, who haue dispensed in marriage not consummate, did erre, following therein the Canonists opinion, and which he boldly affirmeth to haue no *seuer* colour of *probabilitie*, notwithstanding so many practises of sundry *Popes* who haue dispensed therein.

See in 3. dist.
27. q. 1. ar. 4.

53 But this my answere my *Adversary* doth heere altogether conceale, compelling me for cleering my selfe, to repeate a great part thereof, which if he had bene pleased sincerely to haue set downe, the *Reader* would presently haue perceiued, that the voyce of our supreme Pastour is not alwaies to be followed, & that it is no great wonder for a sheepe of Christs fold, and childe of the Catholike Church to disobey without blushing, the *declaratiue* commaund of his supreme Pastour, when it is onely grounded vpon such an opinion, which no Catholike is bound to follow, for that the contrary is maintained by learned and vertuous Catholikes, as is this, which denieth the *Popes* power to depose Princes to be a point of faith, and the contrary improbable, and that the *Popes* power to excommunicate is impugned in the oath. By which it is euident, how iniuriously Mr. *Fitzherbert* to disgrace mee with his *Reader*, hath accused me of the afore said ignominious crimes, which rather may be retorted vpon himselfe. And so I will conclude with him this chapter, remitting to the consideration of the iudicious *Reader*, what probabilitie and sinceritie we may expect of him hereafter for the confirmation of the rest of his Replies and answers, seeing that wee haue found him at the very first so fraudulent, friuolous, and repugnant to himselfe, as you haue heard in this Chapter.

CHAP. II.

Widdringtons answer to an argument of his Adversarie taken from that rule of the law, The accession followeth the principall, is confirmed, and two instances, which hee brought against that rule, are proved to bee sound and sufficient, and that place of S. Paul. 1. Cor. 6. If you have secular judgments, see. is at large examined.



Y^e Adversarie in this Chapter goeth on with the like bitterness as he did in the former, and as before hee taxed me of fraude, impudence, impietie, and of being no good Catholike, but how wrongfully you have already seene; for now he boldly affirmeth, that my arguments, and answers are partly repugnant to my owne doctrine, and partly malicious, improbable, im-

pertinent, so^lish and ridiculous, but how undeservedly you shall presently perceiue. He tooke vpon him, as you have seene, to proue in his *Supplement*, that the oath is vnlawfull, and repugnant to all lawes humane and diuine, in respect of two clauses, to wit, that it doth excommunicate temporall Princes from *Excommunication*, and deposition by the *Pope*; and that therefore it was iustly condemned by his Holinesse, and refused by Catholikes, although for this last hee could not bee ignorant, that where one Catholike hath refused it, a hundred haue taken it. And as for the first clause concerning excommunication hee passeth it ouer altogether with silence, neither doth he bring any one argument, or shew of argument to proue that the *Popes* power to excommunicate is denied in the oath, for which cause is affirmed in my *Admonition* to the Reader, that Mr. *Fitch* in his *Supposition*, for so much as concerneth the *Popes* power to excommunicate Princes, and consequently his *Breuerie* in spiritualls, which he doth not proue with any one reason to be denied in the oath, but supposeth it as manifest, is repugnant.

But as for the second clause concerning the *Popes* power to depose Princes, which is expressely denied in the oath, hee takes it along with Rhetoricall discourses, without any intimation to proue y^e that according to all lawes humane and diuine the *Pope* hath power to depose Princes and to dispose of all their temporals. And because the *Reuiew* of that *Admonition*, which was made after my *Theologicall Dispensation* was in the presse, would not permit to examine in particular all the arguments, which he brought to proue the same, I thought good to answer

answere briefly such arguments, as seemed most plausible, and withall to insinuate a certaine distinction, which I had oftentimes in my former bookes declared more at large, betweene the *Popes* power to command temporals, and to dispose of temporals, so command or impose temporall penalties, and to inflict temporall penalties, or to punish temporally by way of coercion, which distinction doth plainly declare the true state of the question, which he seeketh to obfuscate, and quite overthroweth all his chiefeft grounds.

3. Among the rest of his proofes he brought one from this vulgar rule of the law, *Accessorium sequitur principale*. The accessorie followeth the principall, from whence hee inferred, ^a that seeing not only the body, but also temporall goods and states are inferior to the soule, and ordained for the service thereof, it must needs follow, that the Church having power and authoritie over the body for the benefite of the soule, hath also power over temporall goods and states, when it is necessarie for the good of the soule, and for the glory of Gods for the which our soules, bodies, goods, states, and all things else were created, and ordained according to the nature of the law, The accessorie followeth the principall.

^a Cap. 1. Suppl.
nu. 67.

4. To this inference I answered briefly in this manner. ^b Secondly, every learned man may perceiue, how vaine that consequence is, which this *Author* deduceth. The accessorie followeth the principall, therefore the Church having power over the soule, hath consequently power over the body and goods, except it be vnderstood of the power to command corporall things so farre forth as they serue to spirituall things: For we might take from that principle argue thus: The accessorie followeth the principall, therefore he that is Lord of all horses, is Lord of all bridles. The Pope hath power over the soule of the Prince, therefore also over his life. Let this *Author* explicate, what the Lawyers vnderstand by the name of accessorie, and what by the name of principall, in that axiome of theirs, which suffereth many exceptions, and is limited by them diuers wayes. In the meane time wee deny his consequence, [not consequent,] as Mr. *Fisher* hath translated. So that it is manifest, that I did not deny that consequence, if it had bene vnderstood of the power to command temporals in order to spirituall good, but because the words are generall, and so may comprehend both, and Mr. *Fisher* himselfe also meant of both, therefore I did absolutely deny his consequence. Now my *adversarie* will needs haue me, forsooth both to contradict my selfe in this answer, and also to overthrow my owne arguments. For having set downe my answers, hee replyeth thus. ^c If herein I mist it to be noted, first when Widdrington graunteth, and after what he denieth, and I doubt not but it will easily appeare, that he contradicteth his owne arguments, and contradicteth himselfe. He graunteth, as you see, that

^c No. 2.

that my consequence is not untrue, if it be understood of a power in the Pope to command corporall things, so far as they are in service spirituall things, & yet he denyeth my consequence, albeit I doe not thereby suppose in the Pope any other power over bodies, and goods; then such is the weakness of their subordination to the soule, which is in effect the same relation, and domination that he maketh thereof, to wit, so far forth as corporall & temporall things are to service spirituall things, as it may evidently appeare by the discourse, which I make concerning the same in my Supplement; from whence he taketh my argument: and therefore I thinke good to repeat here, what I have said there touching this point, whereby I hope I shall not only fortifie, and proove my consequence, which he denyeth, but also satisfie fully, what I mean by the name of accessorie, and principall, as you see he commanded me to doe; or he should rather have said, as I wished him to doe. Thus Mr. Fitzherbert. *Howe takes X.*

6 And I also with the Reader to observe first, what my *Adversario* pretendeth to proove, and after what he prooveth, and I doubt not; but it will easily appeare, that I doe neither overthrow my owne arguments, nor any way contradict my selfe. He pretendeth to proove, that the Pope, as Pope, hath power in order to spirituall good to depose temporall Princes, to punish them by depriving them of their kingdoms, and by disposing of all their temporals, and not onely to command or enioyne, but also to inflict temporall punishments, as it appeareth by the whole scope of his Discourse, both in his Supplement, and also in this *Treatise*, whereupon a litle beneath in this chapter^c he call- ^{c No. 10.} leth that distinction; which I made betwixt the power to command corporall things, and to punish corporally by way of coercion, a frivolous distinction, and afterwards especially in the *sixt* chapter, ^d hee ^{dnn. 14. 15.} laboureth to impugne the same, and to proove, that if the Pope may ^{16. 17.} command corporall and temporall things, as they serve the spirituall, and are reduced thereto, he may also punish his subiects in their bodies or temporall goods, and dispose of all their temporals for the same respect.

7 And nevertheless neither out of holy Scriptures, nor from this rule of the law, *the Accessorie followeth the principall*; nor from the subiection of temporall things to spirituall, nor by any other argument doth my *Adversario* sufficiently proove, that the Pope hath power to dispose of temporals, or to punish temporally by way of coercion, which he pretended, and would seeme to his Reader to proove; but onely that the Pope as Pope hath power in order to spirituall good to command temporall things, and to punish by way of coercion Christian Princes and people with spirituall or Ecclesiasticall Censures. By which it will easily appeare, whether I doe contradict my selfe in my answer, and overthrow my owne arguments or no. For I granted, that the consequence was not vaine, if it were understood of a power in the

in the *Pope's command* corporall things in order to spirituall good, but because he pretended to procure, that the *Pope as Pope*, can not onely *command* or *impose*, but also *dispose* of temporalls, not onely *enioyne* temporall penalties, but also *inflict* them, or punish temporally by way of temporall constraint, therefore I did absolutely deny his consequence, or the consequence as it was vnderstood by him.

And after had pleased my *Adversary* after he saw, that I granted the consequence, if it were vnderstood of the power to *command* temporall things, as they are to serue spirituall, to haue set downe plainly, what he intended to proue by that consequence, and whether he meant of the power onely to *command* temporall things, or also to *dispose* of temporalls, as to *dispose* is distinguished from to *command*, the Reader would quickly haue perceived his fraude, and that I doe neither contradict my selfe, nor ouerthrow my arguments: but to blind the eyes of his Reader, he doth neither affirme the one, nor the other in this place, but he vseth as you haue heard, such generall Words, which may be applyed to both. For whereas to cleere the vnderstanding of his Reader, he should haue declared of what power he meant, for that I granted the consequence, if it were vnderstood of the power to *command* temporalls, but if it were vnderstood of the power to *dispose* of temporalls, in which sense he must needs vnderstand it, if he will speake to purpose, then I denied his consequence, yet he onely affirmeth, that he doth not thereby suppose in the *Pope* any other power over bodies, or goods, then such as followeth from the subordination to the soule, which is in effect the same relation and limitation that Widdrington maketh thereof, to wit. so farre forth, as corporall and temporall things are to serue spirituall. But if he had expresse, that according to his doctrine and not mine, from the subordination and relation of the soule to the body, and of temporall things to spirituall, it necessarily followeth, that the *Pope* hath power not onely to *command* or *impose* temporall things, but also to *dispose* of temporall things, not onely to enioyne temporall penalties, but also to punish temporally by depriuing men of their temporalls, the Reader would presently haue perceived both the weaknesse of his argument, and the sufficiency of my answer.

9 For it is very apparant, and my *Adversary* knoweth it right well, that I alwaies denied, that either from the subordination, subiection, or relation of temporall things to spirituall things, of temporall ends to spirituall ends, of temporall power to spirituall power, of temporall Princes to spirituall Pastours, or from any other ground, rule, or principle, it doth necessarily follow, that the *Pope as Pope*, and by his Pastorall office, hath power to dispose of temporall things, to depose temporall Princes, to inflict temporall punishments, or which is all one, to punish temporally by way of temporall constraint, as by depriuing

uing any man of his goods, libertie, or life, although I ever graunted, that the Pope as Pope hath power to commaund or impose temporall things, and to enioyne corporall or temporall punishments in order to spirituall good, or, which is all one, so farre forth as temporall things are to serue spirituall things, that is, are to be vfed to the honor of God, and the good of soules: and to compell, by the inflicting of spirituall censures or punishments, all Christians to obey his iust command. And therefore with good reason, and conformably to my owne doctrine I graunted the consequence, if it were vnderstood of the power to command temporals, and also denied it, if it were vnderstood, as my *Adversary* must needs vnderstand it, of the power to dispose of temporals, and to punish temporally by way of temporall constraint. Neither doth my *Adversary* by that Discourse, which hee made in his *Supplement*, and now repeateth againe, prooue any other thing, then that the Pope by the ordinary power of his Pastorall office, may command temporall things, and enioyne temporall penalties in order to spirituall good: And therefore it had beene needlesse to set downe heere his wordes, but that the *Reader* shall see that I am not willing to conceale any one of his arguments. Thus therefore he writeth f:

10 Having discoursed in my Supplement, & of the written Law of God deliuered to vs in the New Testament, and prooued thereby, that our *Sanior* made Saint Peter the *supream* Pastour and *Gouernour* of his Church, I prooued also the extension of his spirituall power to temporall things thus: The spirituall Pastour, said I, having power ouer the soule, must needs haue authoritie ouer the body, and temporall goods, or states so farre forth, at least, as it shall bee conuenient for the good of the soule, according to the rule of the Law, to wit, hee that hath the greater power hath the lesse: By the which reason the *Apostle* iustified his dealing with temporall affaires, yea with such as appertained to politicall gouernment, when hee aduised the *Corinthians* to constitute and appoint Iudges among themselves, to decide their controuersies, rather then to haue recourse to the tribunals of Infidels. *Nescitis*, &c. Know you not, saith he, that we shall iudge Angels, how much more secular things? as who would say, Seeing wee haue the greater and more eminent authoritie, haue wee not also the lesse? if we haue power ouer spirituall things, shall wee not haue power ouer temporall and secular things? Thus argueth the *Apostle*, and thereupon doubted not to intermeddle in the temporall and politicall gouernement, which then belonged to the *Pagan* Emperours.

110 But how weake, and altogether insufficient is this Discourse of his, to prooue the *Popes* power to depose temporall Princes, to dispose of all their temporals, and to punish temporally by way of coercion, which is the maine marke, at which my *Adversary* aymeth, any man of indifferent vnderstanding and learning may easily perceiue.

For,

f. *Nu.* 3.

g. *Supplement*, p. 1.
m. 65.

1. *Cor.* 6.

For *first*, although it be true, that the spirituall Pastour hath that spirituall power, ouer the soule and body, which for as much as appertaineth to the power it selfe, and not in regard of all other things, which are requisite, that the power shall haue effect, is sufficient and necessarie to the eternall saluation of soules, yet that hee must needes haue euen ouer the soule, and much lesse ouer the body, and temporall goods, and states all that power, which is conuenient for the good of soule, as my *Aduersary* heere affirmeth, is very vntrue: for this were a too too large extension of the *Popes* pastorall power ouer the soule and body, and would cleerely prooue, that the *Pope* should haue power to doe miracles, as the Apostles had, and by miraculous operations to bring actually all Christians to the kingdome of heauen. For no man, as I thinke, can make doubt, but that the *Pope* to haue all that power, whereby all Christians shall bee actually saued, is very conuenient for the good of soules. Neither will my *Aduersarie* be euer able to prooue, that it is necessary to the saluation of soules, or to the gouernment of the Church, as it was instituted by *Christ* to bee a spirituall, and not a temporall Common-wealth, to haue power to dispose of temporals, and to depriue temporall Princes of their kingdomes and liues.

12 *Secondly*, that proposition, *he that hath the greater power hath the lesse*, which my *Aduersary* vntruely saith to bee a rule of the Law, for that it is not to bee found among the rules either of the Canon, or Ciuill Law, is very vntrue, if it bee taken in those generall wordes, and without due limitations, which my *Aduersary* doth not declare, as might be conuincid by infinite examples, whereof some may be seene in the next Chapter, where wee shall treat of this Maxime more at large: and for the present this onely shall suffice, that if it were vniuersally true, it would cleerely conuince, that the *Pope*, who by the institution of *Christ* hath spirituall power, which is the greater power, should also haue temporall power, which is the lesse, which my *Aduersarie*, as I thinke, will hardly grant, vnlesse hee will now become a *Canonist*, and affirme, that the *Pope* as *Pope* hath both temporall and spirituall power, and is both a temporall and spirituall Prince, which is repugnant to the common doctrine of the Diuines of his owne Societie.

13 True it is, that if the *lesse* be taken for that, which is contained in the *greater* either *actually* and *formally*, or *vertually*, he that hath the greater power hath *formally* or *vertually* also the lesse, as because a hundred crownes is *actually* contained in a hundred pounds, and foure degrees of heate is *actually* contained in eight, and heate is *vertually* contained in light, therefore from those rules of the law, (which rather may bee called rules of naturall reason for that they are grounded vpon the light of nature) *Plus semper continet in se quod est*

i De regulis
iuris in 6. re.
gula 35. & 80.

minis, & in tota parte non est dubium continens. The greater doth alwaies containe in it the lesse, and there is no doubt but that a part is contained in the whole, we may rightly inferre, that he, who can giue a hundred pounds, can giue a hundred crownes, and the fire, which can produce eight degrees of heate, can produce foure, and the Sunne, that hath power to produce light, hath also power to produce heate. But temporall power is neither formally, nor virtually contained in the spirituall power of the Pope, although it be virtually and supereminently; contained in the spirituall power of God almightie, in whom all create powers are virtually in an infinite and superexcellente manner contained. That which is objected, saith Ioannes Parisiensis, he that hath power to doe the greater, hath power to doe the lesse: therefore the Pope, who hath power in spiritualls, hath also power in temporalls, is true in the greater and lesse which are per se subordinated, as because a Bishop hath power to ordeane a Priest, therefore he hath also power to ordeane a Deacon; but it doeth not hold in those things which are of a diuerse order or kind; as because my father could beget a man, therefore hee can also beget a dogge: or because a Priest can absolve from sinne, therefore hee can also absolve from the debt of money.

Ioan. Paris. de
potest. Regis &
Papali cap. 17.
ad 17.

14. Thirdly, neither is that true, which my Adversary affirmeth, that S. Paul by that proposition, he that hath the greater power hath the lesse, did inliste his dealing with temporall affaires, when hee aduised the Corinthians to constitute and appoint Iudges amongst themselves to decide their controuersies, rather then to haue recourse to the tribunalls of Infidels, which Iudges S. Chrysostome vpon this place calleth Arbiters, and accorders, or reconcilers. For S. Paul foreseeing, that some might easily object, as S. Chrysostome obserueth, that those Corinthians, who were newly become Christians, were for the most part rude, ignorant, and vnable, and therefore might seeme to bee men vnfit and vnworthie to intermeddle in secular controuersies, therefore to preuent this objection, he vseth an argument which the Logicians call a maiori ad minus; from the greater to the lesse, which argument is not grounded in that maxime, he that hath the greater power hath the lesse, but in this, he that is worthie to haue the greater power, is not vnworthie to haue the lesse. To preuent therefore that objection S. Paul argueth in this manner: Know you not that the Saints shall iudge of the world? and if the world shall bee iudged by you, are you vnworthie to iudge (especially as Arbitrators) of the least things? Know you not that you shall iudge Angels; how much more secular things?

15. This therefore is the force of the Apostles argument, as Benedictus Iustinianus a learned Iesuite vpon this place doeth well declare. The Apostle, saith he, argueth a maiori from the greater. For if the Saints are accounted worthy to be appointed Iudges of the whole world,

Be ned. Iustir;
in 1. Cor. 6.

who

who can thinke them unworthie to bee over the meanest and least iudgements? If to your iudgement the world shall be subiect, are you to bee accounted unworthie to decide and compose the least controuersies and strifes of your brethren? If we shall iudge the Angels (these bee the wordes of Photinus related by Iustinian) how much more shall wee bee fit to compose the strifes and controuersies which arise concerning things necessarie to mans life? whereupon the Apostles argument doth well conclude, saith Iustinian, that those who are appointed Iudges of the world, cannot bee accounted unworthie to haue charge of humane iudgements, if they bee appointed by them who haue this authoritie, or who may by right subiect themselves to their iudgements, as those, who are in suite may to Arbitrators. Neither is this repugnant, saith Iustinian, to the publike authoritie of Iudges and Magistrates, for no man is compelled to goe to the Magistrate, if by other waies he may peaceably maintaine his owne right.

16 Neither were those Iudges, whom the Apostle commanded, or aduised the Corinthians to appoint any other then Arbiters, or Arbitrators in power, although we should grant, that they were to be chosen by common consent, and not by the parties only, who were in suite, which neuerthelesse cannot be conuincd by the Apostles words. For albeit the Apostle doeth not say (which is the onely reason that D. Schulckenius bringeth to prooue, that they were to be chosen by common consent) that every man must choose to himselfe an Arbitrer, for Arbiters are not to be chosen by the consent of one onely partie, but by the consent of both, yet the Apostle doeth not say, that the whole Church of the Corinthians is by common consent of all to choose the Iudges of such causes, as D. Schulckenius without any sufficient ground affirmeth, but rather Saint Paul saith the cleane contrarie. For these bee his words: If therefore you shall haue secular iudgements, the contemptible that are in the Church set them to iudge; wherefore the Apostle speaketh only to those Corinthians who shall haue secular iudgements, that is, as Iustinian well expoundeth, who shall haue controuersies & strifes to bee debated, and not to the whole Church, vntill we suppose that the whole Church shall bee at strife among themselves, and also hee speaketh with a condition, that if the Corinthians shall bee at strife, they shall appoint men to decide their controuersie, so that the parties, who shall bee at strife, and not the whole Church, vntill the whole Church shall bee at strife, are, according to the Apostles command or aduise, to appoint men to iudge or decide their controuersie.

17 But be it so, that the Apostle should not say, if you shall haue secular iudgements, appoint contemptible persons to iudge and decide your controuersies, but he should say, because it may be, and is very likeli to fall out, that you shall haue now and then secular iudgements, therefore I will haue you to choose before hand by common consent

some

D. Schulck. in
Apol. ad rom. 269
pag. 445.

some contemptible persons to iudge and decide those controuersies, which shall heereafter arise among you, which neuerthelesse were to wrest the words of the *Apostle*, which of themselves are very plaine, yet it is cleare, that these *Iudges* were in power meere *Arbiters*, or *Arbitratours*, and had no publike and lawfull authoritie of themselves to giue iudgement, to which the parties were in iustice bound to stand, but they receiued their power and authoritie to giue iudgement, and to make a finall end of controuersies from the parties, who were at strife, and who for the auoyding of scandall, which the infidels might take, seeing their strifes and contentions, submitted themselves to their decision and arbitrement.

18 That they were *Arbiters*, or *Arbitratours*, *S. Chrysostome*, *Iacobus Almainus*, *Abulenfis*, and *Salmeron*, a learned Iesuite doe in expresse words affirme. And also that they had no publike power, but onely priuate, and, if we may so call it, compromissorie, which they receiued from those priuate persons, who were in suite, and by their mutuall promise and consent gaue power to those *Arbiters* to iudge, and make a finall end of their controuersies,¹ I prooued by the authoritie of *S. Thomas*, and the glosse of *Nicolaus de Lyra* vpon that place, for that, according to their doctrine, the appointing of those arbitrarie Iudges did nothing derogate from the subiection and obedience, which the Christians did owe to Heathen Princes, and that they were bound to appeare before the Heathen Magistrate, and consequently to stand to his iudgement, when they should be called to his tribunall, and that the *Apostle* doth onely forbid the faithfull Corinthians to goe willingly, and haue recourse to Heathen Iudges in those causes, which may bee determined by the faithfull.

19 From whence it euidently followeth, that the power of these Iudges was onely priuate, arbitrarie, or compromissorie, and not publike, for if they had publike authoritie to decide Secular causes without the expresse or tacite consent of the Secular Prince, it must needs derogate from the subiection, which they did owe to the Secular Prince, neither could the Heathen Iudges haue lawfull power to reuerse that sentence, which was giuen by those Christian Iudges, if the cause had bene before decided by sufficient and publike authoritie of a more eminent power and tribunall: which must also be a derogation to their authoritie, and to the subiection which in Secular causes is due to Secular Princes. And this also *Benedictus Iustinian* doth very plainly insinuate, when he affirmeth, that by this any man may easily vnderstand, that the *Apostle* doth not speake of lawfull iudgements, which are exercised by Magistrates, and publike Iudges by publike authoritie, but of those, who by the common consent (to wit of those who are at strife) are appointed debaters of ciuill controuersies: and that this right and authoritie of the *Apostle*

Chrysost. in 1.
Cor. 6. *Almain.*
de potest. Eccle.
& Laica. q. 1.
cap. 10.
Abulenf. q. 96.
in cap. 20. *Mat.*
Salmeron tom.
14. diff. 9.
k in *Apol. nu.*
271.

to command humane and ciuill things doth not repugne to the publike authoritie of Iudges and Magistrates, for that no man is compelled to goe to the Magistrate, if by other waies he may peaceably maintaine his owne right.

20 By which it is euident, that this manner of iudging, which the *Apostle* commands, was not legall, or done by publike authoritie, and that these *Iudges* were not Magistrates, and who had publike authoritie. And therefore although these arbitrarie Iudges were appointed by the *declaratiue* commandement of the *Apostle* for the auoyding of scandall, yet their power was only priuate and compromissorie, and was giuen them by the mutuall consent of both parties, in so much, that if either of the parties who were in suite, would not haue obeyed the *Apostles* commandement, & admitted of those *Arbiters*, but would haue had recourse to the tribunal of the Heathen Magistrate, although by disobeying the *Apostles* commandement, and by scandalizing Christian Religion he should haue greatly offended, yet he should not haue offended against iustice, in wronging either of those Christian Iudges, or the other partie that would not willingly goe to the Heathen Magistrate, against which without doubt he should haue offended, if hee had refused to obey the sentence of his lawfull and legall *Iudge*, and who had full power and authoritie, to decide and end the cause.

21 And by this it is very cleere, that my *Adversaries* conclusion is very vntrue, to wit, that the *Apostle* did intermeddle in the temporall and politike government, which then belonged to the Pagan Emperours, for this had bene to derogate from the ciuill subiection due to temporall Princes, but he did onely intermeddle with the priuate and peaceable composition of secular controuersies among the faithfull *Corinthians*, which euery Christian without any publike authoritie, or any preiudice to the same might doe, and which the *Apostle* by his Apostolicall and spirituall power might command the Christians to doe, and by spirituall Censures compell them so to doe, when otherwise they should scandalize the Christian faith and religion. And this very answered did I giue in my *Apologie* to this text of holy Scripture, which was vrged by Card. *Bellarmino* to prooue, that the *Pope* had power to depose and put downe Secular Princes, as the *Apostle* had power to appoint and set vp new Iudges in Secular causes: for I denied his consequence, because the appointing and setting vp of those *Iudges* did nothing derogate from the subiection due to Secular Princes, for that they were onely *Arbiters*, or peaceable composers of secular causes with the consent of the parties who were at strife, but the putting downe of *Princes*, or depriuing them of their Royall authoritie, doth greatly derogate, or rather quite ouerthrow and abolish their temporall soueraigntie.

22 To which answer of mine, D. Schulckenius onely replieth, ^{1 In Apolog. p. 444.} *That although these Iudges whom the Apostle commanded the Corinthians to appoint, had not indeede vim coactivam in foro externo, a coactive power in the externall Court, and that if either partie would not obey the Apostle, and goe to the Iudges appointed by the Church, but would bring his cause to the publike tribunals of the heathen Magistrates, the other partie was bound there to appeare, and there to debate his cause, yet they were not meere Arbiters or voluntarie Iudges: For Arbiters are chosen by the parties, but these were chosen by the common consent of the Church, and were appointed by publike authoritie, by the command of the Apostle, who was a spirituall Prince. Besides, none are bound to admit Arbiters, unlesse they will, but Christians were bound to admit these Iudges, and were forbidden to goe to the tribunals of Infidell Princes. Moreover the Saints are not to iudge the world and Angels, as Arbiters chosen by them, but as true Iudges, and as sitting with Christ the supream Iudge.*

23 But all this is easily satisfied by that which I said before: For although the faithfull Corinthians were by the publike spirituall authoritie of the Apostle commaunded to choosethose Iudges, or Arbiters, yet it doth not from thence follow, either that those arbitrarie Iudges were to bee chosen by the whole Church, and not onely by the parties that were at strife, or that the Apostle, for that he was a spirituall Prince, had either himselfe publike authoritie to decide secular causes, or could giue the same to any other. But because the Christians were bound by the Law of God to compound their controuersies among themselves, by way of arbitrimēt, and not to bring their causes to the hearing of Heathen Iudges, in case they should thereby scandalize the Christian Religion, therefore the Apostle might by his publike spirituall and Pastorall power command them, and also with spirituall Censures compell them so to doe.

24 And although these arbitrarie Iudges, were to be chosen by the whole Church, and by the common consent of all the faithfull Corinthians, which neuerthelesse can not bee sufficiently gathered from the Apostles wordes, yet it doth not therefore follow, that they were not meere Arbiters, or voluntarie Iudges in power, or, which is all one, that they had more then arbitrarie, priuate or compromissorie power. For it is not materiall by whom a publike, or legall Iudge, or else an Arbitratour, or compromissorie Iudge bee chosen, but from whom they receiue their authoritie to iudge: as a true, proper, and publike Iudge may sometimes bee chosen by the people, as is the Recorder of London by the Citie, and the Chancellours of Oxford and Cambridge by the Vniuersities, but it is the Kings Maiesty that giuerh them publike authoritie to iudge: And Arbiters, or voluntarie Iudges may be chosen by the common consent of the people to decide by way of

arbitrement, or voluntarie submission all ciuill controuerfies, which shall arise among them, yet seeing that they are onely *Arbiters*, or haue onely arbitrarie, voluntarie, priuate, or compromissorie power, the parties onely who are at strife doe giue power to iudge, and to make a finall end of their controuerfies. And although abstracting from scandall none are bound to admit *Arbiters*, vnlesse they will, yet if by not admitting them they should scandalize the Christian Religion, as the *Corinthians* did, they are bound to admit them, or which is all one, to giue them arbitrarie, voluntarie, or compromissorie power to decide and determine their controuerfies.

25 True also it is, that the Saints are not to iudge the world, or the bad Angels, as *Arbiters*, yet in what manner they are to iudge, whether by onely assisting our Sauiour, and approouing or applauding his sentence, or by being *Assessores supremi Iudicis Christi*, by sitting in seates of honour with Christ the supreme Iudge, as Noble men, and Iustices of peace do sit vpon the bench, with the chiefe Iudge of Assises, or in any other more peculiar manner, it is a controuerfie among Catholike Diuines, although it be certaine, that the Saints shall not be true and proper Iudges, as Iudges are properly taken, howsoeuer D. *Schulckenius* doth seeme heere to affirme the same, for that to iudge, and to giue iudgement, doth properly signifie an act of Iurisdiction, and superiority of power to giue the definitiue sentence *pro*, or *contra*, which Iurisdiction in respect of the last iudgement of soules, is onely communicated to *Christ*.^m But howsoeuer it be, the argument of Saint *Paul*, whereby he intended to prooue, that Christians were not vnworthy to iudge Secular causes, which he calleth the least things, is of force, as I declared before, for if they be not vnworthy to iudge the world and Angels, much lesse are they to be accompted vnworthy to decide by way of arbitrement Secular causes, or the least things.

m See Suarez
rom. 2. disp. 57.
sect. 4.

26 And whereas D. *Schulckenius* affirmeth, that these Iudges had no coactiue power in the externall Court, and that if one of the parties should call the other to the tribunall of the Infidell Magistrate, he were bound to appeare, and debate his cause before the Heathen Iudge, this doth make nothing against that which I haue said, but is rather a confirmation, that these Iudges were onely *Arbitrators*, and voluntary Iudges in power to decide Secular causes. For if they had bene true and proper Iudges, and had not onely priuate and arbitrary power, but also publike authority to iudge, why should they not haue (as all other true and proper Iudges haue) both a *commanding* and also a *coactiue* power either temporall or spirituall, according as D. *Schulckenius* will haue them to be temporall or spirituall Iudges? And if they were true Iudges, and not onely *Arbitrators*, how could the faithfull *Corinthians* bee bound

bound in conscience to leave their tribunalls, and goe to a Heathen Iudge to haue their cause decided by him, if they should be called thither although against their willes, seeing that they should thereby offend, not only by reason of scandall, but also against obedience, and against legall and morall iustice, by declining the iudgement of their lawfull Superiours and Iudges, and by wronging their *Adversarie* in drawing him against his will from the tribunall of his lawfull Iudge, and who had good and sufficient authoritie to make a finall end of his suite?

27 But considering that these *Iudges*, whom the *Apostle* commanded the *Corinthians* to appoint, were not lawfull and proper Superiours and Iudges, but only *Arbitrators*, and consequently to whose iudgement they were not bound to stand by vertue of any subiection and obedience due to them, but only by reason of scandall, whereon the declarative precept of the *Apostle* was only grounded, and which scandall being taken away the commandement of the *Apostle* doth also cease, this difficultie is easily cleared. For albeit it was very scandalous, and therefore iustly reprehended by the *Apostle*, that the faithfull *Corinthians* should of their owne accord without any necessitie (for in that case, as I obserued in my *Theological Disputation* out of *Alphon. Salmeron* the active scandall doth cease, and if it be any scandall it is not giuen, but taken) goe to the tribunalls of Heathen Magistrates; yet it is not scandalous to appeare before them when they are called, for in this case they must of necessitie by vertue of their subiection appeare, and so the scandall ceaseth, which would still remaine by their appearing, if those Iudges, whom the *Apostle* commanded the *Corinthians* to appoint, had bene true and lawfull Superiours and Iudges, for then they had also bene bound by vertue of their subiection, not to forgoe the iudgement of their lawfull Superiours and Iudges, and consequently not to appeare before the tribunall of the Heathen Magistrate in derogation of the authoritie of their Christian Superiour and Iudge. And this may suffice for this point.

28 Moreover we read in the old Testament, saith Mr. Fitzherbert, that Elias the Prophet had power to inflict temporall punishment, yea death upon the false Prophets of Achab, whom he commanded the people to kill in his presence: as also he caused fire to fall from heauen, and consume the two Captaines of King Ochozias and their troupes. In like manner wee read in the new Testament, that the Apostles S. Peter and S. Paul extended their spirituall authoritie to the temporall punishment of the body, when it seemed to them convenient for the glory of God, and good of soules: and therefore S. Peter strooke Ananias and Saphyra with suddaine death, and S. Paul deprived Elymas the Magician of his sight, and deliuered the incestuous Corinthian to the demill to be bodily vexed and tormented for the

Disp. Theol.
c. 10. s. 3. num. 10.
Salmer. som. 8.
tract. 29. in
Euang.

n 2a. 4. pa. 32
3 Reg. 18.
4 Reg. 1.

Act. 6.

Act. 13.

1 Cor. 5.

example and terrour of others; yet spiritus saluus fiat, that his soule might be saved: and the same iudgements, and corporall punishments these Apostles might (no doubt) as lawfully haue executed vpon any Prince in the world, if hee had then bene a Christian, and giuen the like occasion.

39 But who would not wonder, that any man of ordinarie iudgment should from an extraordinarie, and miraculous power of the Apostles, yea and of the Prophets who were no Priests, or from a special command or inspiration of God to kill men, and to doe other miracles, inferre that the Pope hath an ordinarie Pastorall and Episcopall power to doe the like: as are those examples, which my Adversarie bringeth of *Elias* the Prophet, who was no Priest, and by the commandement of God, and not by any ordinarie authoritie or iurisdiction caused the false prophets of *Ahab* to be slaine, and by miracle caused fire to fall from heauen to consume the two captaines of King *Ochozias* and their troupes; and of *S. Peter*, who by miracle either killed *Ananias* and *Saphyra*, or foretold their death, and of *S. Paul*, who also by miracle depriued *Elymas* of his sight, or foretold his blindness, and deliuered the incestuous *Corinthian* to the deuill to bee bodily vexed and tormented, which manner of deliuering men to Satan did proceede from an extraordinarie and miraculous power giuen to the Apostles, and not from any ordinarie power which was to descend to all their Successours: But of these examples I shall haue occasion to speake againe beneath.

30 And the same iudgements and corporall punishments saith Mr. Fitzherbert, might (no doubt) these Apostles as lawfully haue executed vpon any Prince in the world, if hee had bene a Christian, and giuen the like occasion. But first, I meruaile, why he addeth that condition [if he had then bene a Christian] for the example of *Elymas*, who was no Christian, doth proue, that the same iudgements and corporall punishments they might haue executed not only vpon Christians, but also vpon infidels. Besides, if any one will reduce those examples to a dialecticall forme of arguing, hee will easily perceiue, that they are very weake, and insufficient, not to vse those his foule and vnseemly wordes of absurd, impertinent, foolish and ridiculous, to proue, that the Pope by his ordinarie Pastorall power can doe the like. As that because *Elias*, who was no Priest, had an extraordinarie commission and power giuen him by God to kill the false Prophets, and to cause fire to fall from heauen to consume those two Captaines, and their troupes, therefore the Pope by his ordinarie Episcopall and Pastorall office hath power to doe the same in the like cases, and so of the rest, that because *S. Peter* and *S. Paul* had an extraordinarie power giuen them, &c.

31 And all this, saith my Adversarie, may bee confirmed by the common

o 3. Reg. 18.
ver 36. Abul. is
3. Reg. 18. 7. 35

p Cap. 6.

q No. 5.

common custome, and practise of the Primitive Church to enioyne bodily penance to publike penitents, as to attend to continuall fasting and prayer, and to lye vpon sackcloth and ashes (as is may be seene in Tertullian, S. Ambrose and others) whereupon it followeth, that if the Church may chastise a man in his body for the good of his soule, much more may she chastise him in his goods, and temporall state, which are ordained by the law of nature to serue both the body and the soule, as the Philosophers teach, & namely Plato, who therefore aduised a Law-maker to procure by his lawes, that the three kinds of goods (to wit, of the mind, the body, and fortune) be sought and possessed in due and ordinate manner, that is to say, that the goods of the mind be preferred before the other two, and the goods of the body esteemed only so farre forth, as they may serue the mind, and lastly that the goods of fortune (which are honour, dignitie, wealth and temporall states) be accounted no better then ministers and seruants of both the other.

Tertull. de penitent.
Ambros. ad virg. lap. sam. cap. 28.

Plato epist. 8.
ad Dionys.

32 But first I doe willingly graunt, that it may be confirmed by the common custome and practise of the Primitive Church, that not onely the Pope, but also inferiour Bishops, yea and Priests had power to command, or enioyne bodily penances to their penitents, as fasting, prayer, lying vpon sackcloth and ashes, yea and giuing of almes in satisfaction of their sinnes, as the building of Churches, Colledges, Hospitals or Religious Houses, according to the greatnesse of their offence, and the qualitie, condition, and abilitie of the penitent, or to vse the tearme of Diuines, *clauē non errantē*, the key not erring: For if such penances should be enioyned without discretion and due regard of the greatnesse of the offence, or of the state and condition of the penitent, the key should erre, and would not haue force to bind. Secondly, I doe also graunt, that there is an order and subordination in worth and dignitie berwixt spirituall, corporall and temporall goods, or of the soule, of the body and of fortune, and that, according to the light of nature, the goods of the soule being most worthy are to be preferred and esteemed before the other two, and that the goods of the body, bodily life, health, libertie, and such like bodily contentments are to be preferred before the goods of fortune, which are honour, dignitie, wealth and temporall states, and that all of them are with due order to be referred to the seruice and glorie of God, and to the eternall saluation both of body and soule. But what followeth from all this?

33 Whereupon I inferre, (saith my Aduersarie, ^{1 pag. 33. num. 5. 6.}) according to the axiome of the law, *accessorium sequitur principale*) that seeing not onely the body, but also temporall goods, and states are inferiour to the soule, and ordained for the seruice thereof; it must needs follow, that the Church hauing power and authoritie ouer the body for the benefite of the soule, haith also power ouer temporall goods and states, when it is necessarie for the good of the soule, and for the glorie of God, for the which our soules, bodies, goods,

states and all things else were created and ordained. And this me thinkes our aduersaries should not deny, seeing that their Ecclesiasticall discipline admitteth not onely corporall chastisements by imprisonment, but also pecuniarie mulcts and penalties. Therefore vpon this I inferre, that Christian Princes being sheepe of Christs flocke, and consequently to be fedde and gouerned by the supreme Pastour of the Church, may also be chastised by him in their temporall states, when it shall be necessarie for the glorie and seruice of God, the benefite of soules, and good of the whole Church, whereto all Christian Kingdomes, and Emperes are subordinate, and subiect, as I haue prooued before out of the holy Scripture, and will prooue also after a while by the very law of nature, and light of reason.

Isa 60.

34 But first touching the consequent, or conclusion of his inference or argument, to wit, that the Pope hauing power ouer the soule, hath power also ouer the body and goods, when it is necessarie for the good of the soule and glory of God, I doe willingly graunt the same, if it be vnderstoode of a power not to dispose of corporall and temporall goods, but to command and enioyne them in order to spirituall good, albeit my Aduersarie did vnderstand it of both, as I shewed before. But as concerning the consequence, inference or argument, which hee draweth from that rule of the law, *The accessorie followeth the principall*, or as it is in the Canon law, *Accessorium naturam sequi congruit principalis*: It is fit, or conuenient that the accessorie follow the nature of the principall: which rule, as the Glosse there affirmeth, is taken from that rule of the Ciuill law, *Cum principalis causa &c.* When the principall cause is not consisting, for the most part neither those things that follow haue place, there can be no conuincing, or demonstratiue argument (as all my Aduersaries arguments must be, if hee will prooue by them, that the oath cannot with a safe and probable conscience be taken by any Catholike, and that the doctrine for the Popes power to depose Princes is a point of faith) be drawn from that generall rule of the law, which hath so many exceptions, restrictions, and limitations, and which are not as yet made sufficiently knownen by the Lawiers, as neither what is vniuersally meant by *Accessorie*, and what by *Principall*; and what is to follow the nature of the principall.

De Regulis
Iuris in 6. re-
gula. 4. 2.

ff. de Regulis
Iuris regula
138.

35 And therefore not without cause doth the rule of the Ciuill law, from which this rule of the Canon law is taken, adioyne that word [*plurimque, for the most part*] and the rule it selfe of the Canon law, doth not absolutely say, that the *Accessorie* must follow; or doth follow the nature of the principall, but it is fit or conuenient, that the *accessorie* doe follow the nature of the principall, to signifie, that it doth not alwaies, and of necessity, but for the most part, and of congruities follow the principall, and that Iudges ought for the most part follow this rule in their iudgements, if they haue no speciall reason to moue them to the contrarie:

And

And therefore, as the marginall *Glosse* vpon the *Ciuill* law doth well obserue, *The accessorie doth not follow his principall, when in the accessorie there is not the same reason, which is in the principall.*

Lex. Et si is quem Cod. de prediis & alijs, &c.

36 Secondly therefore, I would gladly know of my *Aduersarie*, whether he will haue this rule to be grounded onely in humane law, and hath it force and strength onely from thence, so that if the *Ciuill*, or *Canon* law had not made and ordained that rule, it would not be of force and validitie, or else it is grounded also in the law of God, or nature. If he graunt the first, as commonly the Lawiers doe, and therefore somethings, which seeme of their owne nature to be *accessorie*, as a saddle, and bridle are to a horse, are not *accessorie* according to humane law, and therefore he that selleth a horse, doth not consequently sell the bridle and saddle, and somethings, which are not *accessorie* of their owne nature, as a dowrie is not necessarily annexed to marriage, are made *accessorie* according to humane lawe, and therefore he that marrieth a woman with the consent of her parents, hath right to a dowrie, and the parents are bound by the *Ciuill* Law to giue a dowrie, if they be able: wherefore the *Glosse* vpon the aforesaid rule of the *Ciuill* law doth obserue, that the word [*plurimque, for the most part*] was purposely added to that rule of the law, for that sometimes that rule doth faile, to which purpose he alledgeth many texts of the *Ciuill* law. If my *Aduersarie*, I say, will graunt the first, he can not but easily perceiue, that there can no forcible argument be drawne from the aforesaid rule to prooue, that the *Pope* by the institution of *Christ* hath a disposing power ouer the body, and ouer corporall and temporall goods, because he hath power ouer the soule; both for that the aforesaid rule is not generally true, and especially, as I obserued out of the *Glosse*, when in the *accessorie* there is not the same reason which is in the *principall*, as there is not the same reason, that a spirituall Pastour can dispose of the bodie, and of corporall or temporall goods, because he can dispose of the soule and of spirituall goods, but chiefly for that our Saviour *Christ* gaue to *S. Peter* and his Apostles all their spirituall and Pastoral power long before that rule of humane law was ordained, and whether it were ordained before or after, it is manifest, that our Saviour was not tyed to giue any power to *S. Peter* and the Apostles by force and vertue of any humane law, neither can the institution of *Christ* depend vpon any rule, which is grounded onely in humane law.

37 But if my *Aduersarie* meaning bee, that the aforesaid rule, *The accessorie followeth the principall*; is grounded in the Law of God, or nature, so that abstracting from all humane lawes, yet either by the institution of *Christ*, or by a necessary sequell or consequence drawne from the light of naturall reason, it is alwayes true (I say alwayes true, for otherwise if the rule be not generally true, there can no inuincible argument

argument be concluded from that rule to prooue, that hee who hath the *principall*, must of necessity haue the *accessory*, or who hath power ouer the *principall*, must of necessity haue power ouer the *accessory*) then this rule may rather be called a rule, or Maxime of Logike, then a rule of Law, and it is taken from that *Topike* place, which the Logicians call, *The place of Antecedents*, and in sense it is all one with this dialecticall axiome, *Posito antecedenti necesse est poni consequens*, the *Antecedent being put, the consequent must of necessity be put, or follow*; or if we call the *antecedent* the *principall*, and the *consequent*, the *accessory*, the *principall being put, the accessory must of necessity follow*, or which is all one, the *accessorie* doth necessarily follow the *principall*.

38 But in this sense neither can bridles be said to be *accessory* to horses, for that horses, can consist without bridles, neither can any *separable accident* (to vse the *Logicians* terme) be said to be *accessory* to the substance, and so neither musicke, physicke, or any other Art can be said to be *accessory* to the soule, for that the soule can consist without any of these Arts, neither can the mortall body it selfe be said to be *accessorie* to the immortall soule, for the soule can consist without the body, neither can the goods of fortune, as honour, dignitie, riches, earthly kingdomes, &c. nor the goods of the body, as health, libertie, and other bodily contentments be said, as my *Aduersary* would haue them, to be *accessory* in any man to the good of his soule and his eternall saluation, which is the last end, to which hee ought to referre all his corporall and temporall goods and miseries, for that any man may attaine to eternall saluation, and haue spirituall and iustifying grace, which is the onely meanes to attaine thereunto, without any worldly riches or preferments, and without any bodily comforts, and contentments, albeit in another sense all the former inferiour things may be called *accessory*, for that they are ordained and referred to the other more worthy, noble, and principall things.

39 Neuerthelesse I doe not deny, as I haue often said, that *Christ* our Sauour hath giuen to Saint *Peter* and his Successours sufficient power to gouerne his Church by spirituall meanes, and consequently power to *command* both spirituall and temporall things in order to spirituall good, and to *chastise* the transgressours of his iust command with *spirituall* and Ecclesiasticall Censures, for that all these are spirituall meanes, and comprehended in spirituall gouernment: And because the commanding of spirituall and temporall things in order to spirituall good is by the institution of *Christ* annexed to spirituall gouernment, or the power to command temporall things, which is the lesse noble, and therefore may be called *accessorie*, is by the institution of *Christ* annexed to the power of commanding spiritual things, which being the more noble, may be called the *principall*: therefore from that

maxime of the *Logicians* there may be drawn a good argument, supposing the institution of *Christ*, that if the *Pope* hath power to command spirituall things in order to spirituall good, he hath power also to command temporall things in order to the same spirituall good, not for that temporall things are *per se*, and of their owne nature subiect and subordinated to spirituall things; except onely in worth and nobilitie, or that temporall things are the *accessorie*, and spirituall things the *principall*, taking *accessorie*, and *principall*, as I haue before declared, but for that the power to command spirituall things is the *principall*, or *antecedent*, and the power to command temporall things in order to spirituall good is the *accessorie* or *consequent*, and by the institution of *Christ* annexed to the power of commanding spirituall things.

40 But for all this I vtterly deny, that the power to dispose of temporall goods is by the institution of *Christ* annexed to spirituall gouernment, or to the *Popes* power of commanding either spirituall or temporall things, for that the disposing of temporall things, for what ende soeuer it bee, is not a spirituall but a temporall action, and doeth belong to a temporall or ciuill power, which by the institution of *Christ* hath its acts, offices, dignities, meanes, and ends distinguished from the spirituall power: both which, as they are supream in their degree and order, and consequently independent one of the other in those things, which are proper to either of them, so they cannot intermeddle with the actions of each either: and as the supream spirituall power doth reside in spirituall Pastours, so the supream temporall power doth reside in temporall Princes: and as spirituall Pastours are by spirituall power, spirituall lawes, spirituall actions, and spirituall meanes and punishments bound to bring all men, as much as lyeth in them, to euerlasting happiness, so also Christian Princes, are bound, as much as lyeth in them, by temporall power, temporall lawes, temporall actions, and temporall meanes and punishments to bring their subiects to the kingdome of heauen, which is the last end, to which all Christians ought to referre all that they haue, or are.

41 Wherefore if that, which Mr. *Fitzherbert* doeth lastly inferre, that *Christian Princes being sheepe of Christs flocke may bee chastised by the supream Pastour of the Church in their temporall states*, bee so vnderstood, that hee may by way of direction or command enioyne them temporall penalties or punishments, as to fast, to pray, to giue almes or the like in satisfaction of their sinnes, or for some other great spirituall good, this is very true, and I haue affirmed the same too too often; and this only he hath prooued by this Discourse which he hath here repeated out of his *Supplement*, albeit this bee not the marke, at which he aimeth, and which hee pretended to prooue: for as I haue shewed

N^o. 6.

shewed before, his chiefe drift and purpose was to proue, that the Pope hath power not onely to *command* temporals in order to spirituall good, but also to *dispose* of temporals, not onely to command christians, that in satisfaction of their sinnes or in defence of the Church they will dispose of their temporall goods according to the qualitie of their offence, and the necessitie of the Church shall require, and their abilitie doth extend, but also to depriue them of the right, power, and dominion, which they haue ouer their temporall goods and states, if they shall refuse to obey his iust command, which my *Aduersarie* by this Discourse in his *Supplement* hath not, as you haue seene, so much, as probably confirmed, and neuerthelesse, as I haue often said, not onely probable arguments, but conuincing authorities, or demonstrations are required to proue his doctrine for the Popes power to depose Princes, and to dispose of their temporals, to bee certaine, and a point of faith, and that the oath cannot lawfully, and with a safe conscience be taken by any Catholike. And thus much concerning the Discourse which Mr. *Fitzherbert* hath made in his *Supplement*. Now you shall see what from thence he doth inferre.

a Pat. 34. n. 7

42 Thus did I discourse, saith he, " and argue in my Supplement, whereby my *Aduersarie* Widdrington may perceiue first, what I meane by the *accessorie*, and by the *principall*; as that the soule of man, and the seruice, and glory of God are the *principall*, and that the *accessorie* is the body, goods, and all temporall states whatsoever, because they are subordinate to the soule, and ordained for the seruice thereof, and for Gods glory.

43 And my *Aduersarie* also by that, which I haue heere answered to his Discourse may perceiue, that although the soule of man, and the spirituall good thereof, and the seruice and glory of God may in some sense be called the *principall*, and bodily and temporall goods the *accessorie*, for that they are the lesse worthy, and lesse noble, and therefore though not of their owne nature referred, yet by the intention and will of man ought to be referred to the eternall good and saluation of the soule, as to the last end of man, in which sense temporall good may be said to be subiect and ordained to the supernaturall good of the soule, whereof I haue treated more at large aboue in the second part: Yet in that sense, as *antecedent* and *consequent*, *principall* and *accessorie* are taken in that *maxime*, the spirituall good of the soule, eternall saluation, and the supernaturall seruice and glorie of God cannot be called the *principall* or *antecedent*, nor corporall goods and temporall states, as health, wealth, honour, &c. the *accessorie* or *consequent*, for that God may be serued and glorified, and the soule saued, without hauing any such corporall or temporall contentments, yea rather they doe hinder then promote the good of the

the soule; for that according to our Saviours owne wordes, ² *A rich man shall hardly enter into the kingdom of heauen: For they that will be made rich, fall into temptation and the snare of the Devil, and many desires unprofitable and hurtfull, which drowne men into destruction and perdition; and By many tribulations we must enter into the kingdom of God.* ¹ *Math. 19.* ^y *1. Tim. 6.* ² *Act. 14.*

44 Neither did I desire my *Adversary* to declare, what he vnderstood in particular by the names of *principall* and *accessory*; for I knew right well, that hee tooke the good of the soule for *principall*, and the goods of the body and of fortune to be the *accessory*, for that they are referred and ordained to the good of the soule, in which sense the words *principall* and *accessory* are not taken in that maxime, as I shewed before, and it will more cleerely appeare beneath, but I desired him to declare, what the *Lawyers* vnderstood in generall by the names of *principall* and *accessory* in that rule of the Law, for that the nature and definition of *principall* and *accessory* being once knowne, we might the better descend to particulars, and more easily perceiue whether the good of the soule was to bee taken for *principall*, and all other corporall and temporall goods for *accessory* in that rule of the Law, and withall he should also haue explained, if hee had meant to cleere and satisfie the vnderstanding of his Reader, what the *Lawyers* vnderstood by those wordes, [*to follow the nature of the principall*] all which my *Adversary* hath, as you haue seene, neglected to declare.

45 Secondly, Widdrington may see, saith Mr. Fitzherbert, ² *the force and validitie of my consequence, to wit, because the Church hath power ouer the soule, (which is the principall) therefore it hath power also ouer the accessorie, that is to say, ouer the body, temporall goods, and states, when it is necessarie for the good of the soule, and the glorie of God, for which our soules, bodies, goods, states, and all things else were ordained.* ² *Pag. 34. m. 3.*

46 And hee also may see, in what manner his consequence is of force, if it be onely vnderstood of a power to commaund temporall things in order to spiritual good, to wit, not for that the Church hauing power ouer the soule (which he calleth the *principall*) must also haue power ouer the body and temporall goods, (which he calleth the *accessorie*) when it is necessarie for the good of the soule, and the glory of God, because temporall goods and states are not necessarie for the good of the soule, and the glorie of God, but rather lets, and hinderances thereof, seeing that soules may be saued, and God glorified without the enioying of such corporall or temporall goods, and therefore temporall goods, and states can not rightly be called the *accessory* or *consequent*, as *accessory* or *consequent* ought to be taken in that maxime: But the force of his consequence can onely consist in this, that because *Christ* our Saviour hath giuen to Saint *Peter* and his Successours, sufficient authority to gouerne the Church by spirituall meanes, and in order

order to spirituall good to command not onely spirituall things, which is the more noble and *principall*, but also temporall things, which power is the lesse noble, and so by the institution of *Christ* annexed to the spirituall power of governing the Church, and of commanding spirituall things, for which cause it may well be called the *accessory* or *consequent*, therefore from that rule, or maxime not of the law, but of the Logicians, *The accessory, or consequent doth necessarily follow the principall or antecedent*, it may be well inferred, that the Pope having power to command spirituall things, hath also power to command temporall things in order to spirituall good, for that this power to command temporall things, is by the institution of *Christ* annexed and adioyned to the spirituall power of governing the Church and of commanding spirituall things: I say, *by the institution of Christ*, for that there is no absolute, necessarie, or naturall connexion betwixt the power to command spirituall things and temporall things: and therefore it was in our *Saviours* absolute power and choice to haue granted to Saint *Peter* and his Successours a power to command onely spirituall things and not temporall, even in order to spirituall good, as he hath granted him a power to dispose onely of spirituall things and not of temporall, but the disposing of temporall things for what end soeuer it be, he hath left to the temporall power of Secular Princes, who in temporals acknowledge no Superiour on earth.

47 *Thirdly*, Widdrington may note his absurditie, saith Mr. Fitz-
bert, ^b in denying the consequence, and yet granting it in effect. For granting, as hee doth, that the body, and temporall goods are ordained to serve spirituall things, and that therefore the Pope hath authoritie to command corporall and temporall things in order to spirituall, he granteth consequently, as much as I require, to wit, that the Pope hath power to punish corporally and temporally, when it shall be convenient for the good of soules, and Gods glorie: for he can give no sufficient nor probable reason why the Pope can doe the one, and not the other, seeing that it can not be denied, but that the Church hath alwaies used to enioyne bodily penance to her penitents, as fasting prayer, and lying upon sackcloth and ashes, which was usually imposed even in the primitive Church, as I shewed in the place alledged a little before out of my Supplement.

Supra. nu. 5.

e nu. 10.

48 *When* upon I inferre, sayth he, ^c that if the Church may punish a man in his body for the good of his soule, it may punish him in his goods to the same end, seeing that temporall goods are inferiour to the body, and ordained for the service of the body and soule, as I have before declared by the opinion of the Philosophers themselves. But because he will give me a better occasion hereafter to treat more amply of this point, and to confute a frivolous distinction of his, of the power to command corporall things, and to punish corporally, I wil now say somewhat to the instances that he bringeth against my con-

Supra. nu. 5.
d infra cap. 5.
nu. 1. 2. &c. 39.
Item cap. 6. nu.
13. 14. 15. 16.
& seq.

con-

consequence which he impugneth, by drawing two other consequences from the same principle, and confronting them with mine to shew some absurdity therein.

49 But Mr. Fitzherbert may also note, that I haue committed no absurdity in denying absolutely the consequence, and also granting it with a condition; for so I doe not graunt it in that sense wherein I doe deny it. I graunt that the consequence is not in vaine if it bee vnderstood of the *Popes* power to commaund temporalls in order to spirituall good, but because my *Aduersarie* did vnderstand it not onely of the *Popes* power to command temporals, but also to dispose of temporals, and to inflict temporall punishments, or punish temporally, not onely by the way of command, but also by the way of temporall constraint, therefore I did absolutely deny his consequence. And therefore albeit I did grant this consequence, *The accessorie or consequent followeth the principall or antecedent*, (being so vnderstood, as I declared before) therefore the *Pope* hauing power to gouerne the Church by spirituall meanes, and to command spirituall things in order to spirituall good, hath consequently (supposing the institution of *Christ*) power also to commaund corporall, and temporall things in order to the same spirituall good, yet I did not grant these consequences; *The accessory or consequent followeth the principall or antecedent*, therefore the *Pope* hauing, by the institution of *Christ*, power to commaund spirituall things in order to spirituall good, hath consequently power to dispose of temporall things in order to the same spirituall good, nor this: *The accessorie or consequent followeth the principall or antecedent*, therefore the *Pope* hauing power to dispose of spirituall things in order to spirituall good hath consequently power to dispose of temporall things in order to the same spirituall good.

50 Obserue therefore, good Reader, how cunningly Mr. Fitzherbert, to make thee imagine, that my answere is absurd & repugnant to my selfe, endeauoureth to delude thee, and to cast a myst before thine eyes, whilst he affirmeth, that I graunting, that the body and temporall goods are ordained to serue spirituall things, and that therefore the *Pope* hath authoritie to command corporall and temporall things in order to spirituall good, doe consequently graunt so much, as he requireth, to wit, that the *Pope* hath power to punish corporally and temporally when it shalbe conuenient (a large extension of the *Popes* spirituall power to deprive Princes of their kingdomes) for the good of soules, and Gods glorie: as though, forsooth, he requireth nothing else, but that the *Pope* may only command temporall things and not dispose of temporall things, may punish corporally and temporally by way onely of commanding or enioyning temporall and corporall penalties, and not also by inflicting them, or by way of temporall coercion, and by depriving Christian Princes and subjects of their temporal states and corporall liues, whereas the whole

scope

e No. 65.

scope of his Discourse, as I shewed before, and concerning depriving them of their liues you shall see beneath, * tendeth to prouue the cleane contrarie: and in this very place he plainly signifieth as much, in promising to confute beneath a *frivolous distinction of mine*, as he rearmeth it, *of the power to command corporall things*; and consequently corporall punishments, *and of the power to punish corporally*, not by the way of command, for this power I haue graunted aboue an hundred times, but by way of corporall coercion and constraint: Which distinction doth breake the necke of a great part of his Discourse, and also declareth the true state of the maine question betwixt him and me, and therefore he might haue done well hauing so fit an occasion offered him to haue confuted in this place that distinction, and not to leaue his Reader in suspense touching this point, which is the maine controuerſie betwixt him and me, and which distinction being once ouerthrowen, and proued to be friuolous, this whole question concerning the *Popes* power to depose Princes and to inflict temporall and corporall punishments would presently be ended.

51 But the plaine trueth is, that neither in the *fift* chapter (for there hee barely repeateth what he saide heere concerning this distinction) nor in the *sixt* chapter doth he bring any one probable prooffe to confute this distinction, as I will cleerely shew in that place. In the meantime without interrupting the order, which hee obserueth in his Chapters, and withall nor to leaue thee, *good Reader*, altogether in suspense, thou maiest easily gather some ground and reason of this distinction, *partly* from that, which hath beene said a little before, *partly* from the words which I related out of *S. Bernard*, that the *Pope* may command, but not vse the materiall sword, and *partly* by the comparison, which *Cardinall Bellarmine* out of *S. Gregorie Nazianzene* did make betwixt the soule and body, and betwixt the spirituall and temporall power or common wealth. For as the soule hath power to command corporall actions for the good both of the body and soule, but she hath not power of her selfe without the concurrence of the body to do or exercise corporall actions euen for the good of the soule; so also the spirituall power or common wealth may command temporall actions in order to spirituall good, but shee cannot of her selfe without the concurrence of the temporall power exercise any temporall action belonging to temporall gouernment, although it bee neuer so much with order or reference to spirituall good: neither doeth the reference of a temporall or bodily action to a spirituall end alter, or change the nature of the action, for as a bodily action, although it bee done for the good of the soule, is still a bodily action, and doth not by that reference become a spirituall action, so a temporall action, although it bee done for a spirituall end, doth still remaine a temporall action

See aboue, part.
2. cap. 8.

f See aboue,
part. cap. 9.

action, and vertue and vice may bee found as well in temporall, as in spirituall actions.

52 Now you shall see, how soundly Mr. Fitzherbert impugneth the two instances I brought against his consequence, which were these: *The accessorie followeth the principall, therefore he who is Lord of all horses is Lord of all bridles: The Pope hath power over the soule of a Prince, and therefore over his life.* To which he replieth in this manner. & But of 8 Pag. 35. these two instances I must needs say, that the former is ridiculous, and the latter malicious; for by the former hee impugneth himselfe, and not mee: You haue heard him before admit my consequence, so that it bee understood of power to command corporall things in order to spirituall; for he saith that my consequence is vaine except it be understood in this manner, and therefore being understood so, hee alloweth it for good. And if we understand it so, then it must needs follow according to his owne ground, that hee who is Lord of all horses (which are the principall) may command all bridles, because they are the accessorie.

53 Now then hee must either grant his owne argument or deny it; if he grant it, hee prooueth nothing thereby against mee, but rather fortifieth my consequence (which is, as hee himselfe relateth it, that the Church hauing power over the soule, hath power also over the body and goods, because the accessorie followeth the principall) If hee deny it, hee denieth his former grant, which was, as you haue heard, that whosoever hath power to command the principall, may command the accessorie, for seeing that all horses are the principall, and all bridles the accessorie (according to his owne supposition in his argument) hee that denieth the Lord of all horses to be the Lord of all bridles, denieth that hee who hath power to command the principall may command the accessorie, which is the same that hee hath granted already, as you haue heard; so as I see not to what purpose this his argument serueth, but to discover his owne folly, and yet forsooth hee will haue vs to belcene in any case, that all his arguments are probable at least.

54 But I must needs say, good Reader, that my Adversarie hath small reason, for these two instances, which I brought against that rule, or maxime, *The accessorie followeth the principall*, as it was understood by him, to vse such vndecent tearmes; for whose folly is discovered, and who is the ridiculous and malicious, you shall forthwith perceiue. It is true, that I granted the consequence not to be vaine, if it were only understood of a power in the Pope to command spirituall things, and to punish temporally by way of command in order to spirituall good: but from hence it doeth not follow according to my ground, but according to his owne, that he who is Lord of all horses, may consequently command all bridles, yea and it followeth according to his ground, that hee who can dispose of all horses, can dis-

h No 6.
i No. 13. 14.
35. 16.

pose of all bridles, and that hee who buyeth all horses, doeth consequently buy all bridles: For *first*, by his consequence hee doth intend not only to prooue, that the *Pope* hath power to command temporall things, or to punish temporally by way of command, but also to dispose of temporalls, to depose temporall Princes, and to inflict temporall punishments, as I shewed before ^h and hee in the next paragraphes doth expressly affirme ⁱ. *Secondly*, according also to his owne ground, and not mine, a bridle is *accessorie* to a horse, for that it is ordained to serue a horse, for which cause hee affirmeth, that temporall things are *accessorie* to spirituall things, for that they are ordained to serue spirituall things. And therefore according to his owne ground these consequences are good: *The accessorie followeth the principall, therefore he who is Lord of all horses is Lord of all bridles, therefore hee who can command all horses can command all bridles, therefore hee who can dispose of all horses can dispose of all bridles, therefore hee who buyeth all horses, which are the principall, must consequently buy all bridles, which are the accessorie.*

55 But I doe not graunt, that a bridle is *accessorie*, or *consequent* to a horse, or that corporall and temporall goods are *accessorie* or *consequent* to the spirituall good of the soule, in that sense as *accessorie* is and ought to be taken in that maxime, *The accessorie or consequent must follow the principall or antecedent, or which is all one, if the principall or antecedent be supposed or graunted, the accessorie or consequent must of necessitie follow*: and my reason is, for that a horse can be without a bridle, and the spirituall good or life of the soule can be without corporall goods, or temporall honour and riches, yea and better without them, then with them. Neuerthelesse I doe graunt, that the power to command temporall things in order to spirituall good is, according to the institution of *Christ*, *accessorie* or *consequent* to the power to command spirituall things in order to spirituall good, for that both of them are, by the institution of *Christ*, connected and conioyned in the spirituall Pastour of the Church: and because the power to command spirituall things is the more noble and worthy, and the power to command temporall things the lesse noble and worthie, as spirituall things are more noble then temporall, therefore the power to commaund spirituall things may be well called the *principall*, and the power to command temporall things the *accessorie*, and which, by the institution of *Christ*, doth follow the first and more noble power as the *principall*.

56 And by this, that *Dilemma*, which he maketh, is easily answered. For I graunt the consequence in that forme of words, as he setteth it downe, in one sense, and I denye it in an other. I graunt it, if it be vnderstood of the *Popes* power to command temporals, and to enioyne temporall penalties in order to spirituall good, and if he had intended

intended nothing else then this, I should indeed haue prooued nothing against him, but should haue fortified his consequence; But because in his consequence he spake of a power in the Church in generall ouer the soule, body and goods, *therefore the Church*, sayth he, *hauing power ouer the soule, hath power consequently ouer the body and goods*, which power may be vnderstood not onely of a power to command, but also to dispose, not onely to enioyne spirituall and temporall punishments, but also to inflict them, and because the *Pope* in order to spirituall good hath a power not only to command spirituall punishments, but also to inflict them, and by a iuridicall sentence to deprive men of certaine spirituall goods and benefites, therefore by his consequence it might seeme to be rightly inferred, that the *Pope* hath also in order to spirituall good a power to dispose of the bodie and of temporall goods, euen as temporall Princes haue in order to temporall good a power not onely to command, but also to dispose thereof, and to deprive by a iuridicall sentence their subiects of their temporall goods, and also of their corporall liues, and because my *Adversaries* drift and meaning was to prooue thus much by his consequence, therefore in this sense, which his words did beare, and he also intend, I did absolutely denye his consequence. Now what repugnance or contradiction, trow you, can all his skill in Logike (although it were farre greater then most men that know him suppose it to be) find in granting his consequence in onefence, and denying it in an other, and whose folly is discouered, and whether my instance or his Reply be ridiculous I dare aduenture to remit euen to his owne iudgement.

57 But my *Adversarie* perceiuing, as it seemes, that according to the vulgar axiome, *ducere ad inconueniens non est soluere argumentum*, to draw one to an inconuenience is not to solue the argument, endeauoureth to answer me by instance, abstracting from my grant: But let vs set aside, sayth he, ^{knu, 13. pag. 35} Widdringtons grant, and consider how probable is the instance that he maketh against me by this argument considered in it selfe, and compared with mine. The accessorie, sayth he, followeth the principall, and therefore he who is Lord of all horses is Lord of all bridles, which no doubt is true, if he speake of such a one, as hath a supreme dominion, or power, as I doe in my argument, when I speake of the *Pope*, who being supreme head of the Church, and in that respect hauing the direct charge of mens soules, hath also indirectly the care and charge of whatsoeuer is accessorie to the soule, and subordinate thereto, so farre forth, I meane, as is requisite for the good of soules: as also in like manner a supreme temporall Prince, albeit he be not directly the Lord of all horses and bridles in his kingdome or State, yet hauing directly the charge and care of the whole common wealth, he may dispose not onely of all the horses, but also of all the bridles in the common-wealth, when it shall vndoubtedly be conuenient, and necessarie for the publike good thereof.

58 True it is, that this consequence, *The accessorie, or consequent doth necessarily follow the principall or antecedent, therefore a supreme temporall Prince, who is Lord of all horses is also Lord of all bridles, or which is all one, who may for the common good dispose of all the horses in his kingdom, may also for the same good dispose of all the bridles,* is a true and good consequence, but not for that a bridle is *accessorie* or necessarily annexed, and consequent to a horse, as my *Adversarie* affirmeth; for then it must be true not onely in a Prince, but also in all other men, who have power to dispose of the principall: and moreover this consequence would also be good, *The accessorie followeth the principall, therefore a supreme temporall Prince, who buyeth all horses, which according to my Adversaries doctrine are the principall, must consequently buy all bridles, which are the accessorie:* But the aforesaid consequence is therefore good, for that to be a supreme temporall Lord of all bridles is *accessorie* or consequent to be a supreme temporall Lord of all horses, which is the more noble, principall, or antecedent, and so the power in a temporall Prince to dispose of all horses is necessarily connected with his power to dispose of all bridles.

59 Wherefore, according to my opinion, who doe not make bridles to be *accessory* to horses in that sense, as *accessory* is taken in that maxime, but a supreme power to dispose of all bridles to be *accessory*, or consequent to a supreme power to dispose of all horses, for that a supreme power to dispose both of horses and bridles, is necessarily included in a supreme power to dispose of all temporall things, as a part in the whole, the aforesaid argument, speaking of a supreme temporall Prince is good, not onely *vi consequentis* (to vse the termes of Logicians) by virtue of the consequent, but also *vi consequentia*, by virtue of the consequence, or, which is all one, not onely the consequent is true, but also the consequence is good. But he that will grant the argument to be good in regard that bridles are *accessorie* to horses, as my *Adversario* doth, he can not maintaine that argument to be good in a supreme temporall Prince by virtue of the consequence, or, which is all one, by virtue of that maxime, *The accessorie followeth the principall*, but by virtue of an other maxime, which is, that *every part is contained in the whole*, and therefore a temporall Prince, who for the common temporal good hath power to dispose of all temporall things, hath power to dispose of all horses, bridles, and all other temporall things.

60 Now although I did grant this consequence in the *Pope*, that because the *accessory* or consequent doth follow the principall or antecedent, therefore the *Pope* having power to commaund spirituales, hath also power to commaund temporals in order to spirituall good, not for that temporals are *accessory*, or consequent to spirituales, in that sense as *accessory* and *consequent* are taken in that maxime, but for that a power
in the

in the Pope to commaund temporals in order to spirituall good, is, by the institution of *Christ*, accessory and consequent to his power of commaunding spirituels, yet I vterly denied this consequence, *The accessory followeth the principall*, therefore the Pope hauing power to commaund, and to dispose of spirituels, or to inflict spirituall punishments; hath also power to dispose of temporals, and not onely to commaund or inioyne, but also to inflict temporall punishments, or to punish temporally by way of constraint. For although temporals are ordained to spirituels in that sense, as I haue often declared, and for that cause may be called accessory to spirituels, yet as accessory is taken in that maxime, they are neither accessory to spirituels, for that spirituall good may in any man be very well without them, neither is the Popes pretended power to dispose of temporalls in order to spirituall good, and to punish with temporall punishments by way of constraint, accessory or consequent to his power to dispose of spirituels, or to punish with spirituall punishments, or Ecclesiasticall censures.

61. And by this is easily answered that, which Mr. Fitzherbert saith in the next Paragraph concerning priuate men. And if wee consider, saith he, also Widdringtons argument euen in particular and priuate men, it may haue a very true sense, and will fortifie mine; for whosoener is Lord of any horse, is Lord also of the bridles that belong to that horse, because (according to Widdringtons supposition) they are accessory of the said horse, and therefore according to my axiome, doe follow their principall: and the same must needs bee granted in this our case, seeing that the Pope doth no otherwise dispose of temporall goods then the same doe belong to particular men, whom he hath occasion to chastise for the benefit of their soules, and the publike good of the Church; and therefore when he punisheth any Prince temporally, hee neither doth, nor can doe it in other mens goods, but onely in those goods, or states, which belong to that Prince, as a Lord of a horse disposeth not of other mens bridles, but of the bridles that belong to his owne horse; for as other mens bridles are not accessory of that horse, so neither are other mens goods accessory to the Prince, who is to be punished, but such goods or states onely as belong to him, and may consequently be disposed of by his supreme Pastour, when his and the publike good of the Church shall necessarily require it: So as you see how well Widdrington argueth for mee, and therefore the probabilitie that I see in this his argument, is no other, but that he playeth, as I may say, booty with me, and helpeth vnder hand to defend my cause. Thus much for the first argument.

1 Nu. 14. p. 37.

62 But first it is vnttrue, that I according to my owne doctrine doe suppose that bridles are accessory to horses; as accessory is taken in the afore said maxime, but I doe suppose, and that truely, according to my Adversaries doctrine, that bridles are accessory to horses, for that they are made and ordained for horses, in which sense hee taketh access-

farie in that maxime, and therefore he affirmeth, *that corporall and temporall goods are accessory to the spirituall good of the soule, for that they are ordained and referred to the said spirituall good.*

63 Secondly, it is also ynttrue, that the argument, which I made against his consequence, if it be considered in particular and priuate men, can haue a very true sense, as it is grounded in that rule or maxime, *the accessory followeth the principall*, and that it doth fortifie his consequence. For whosoever, saith he, *is Lord of any horse, is Lord also of the bridles that belong to that horse, because* (according to his owne supposition, and not mine) *they are the accessory of the saide horse.* Obserue now, good Reader, how cunningly this man would shift off the argument, or instance, which I made against his consequence, and delude thee with ambiguous words. For what can any man imagine my *Aduersary* to vnderstand by these wordes [*the bridles that belong to that horse*] for surely no man can be so simple, as to thinke, that any bridle can be said to belong to a horse, as to the true owner thereof, or so proper to a horse, that the horse can not be without that bridle; for so indeede it would very well follow from that maxime, that he, who is Lord of that horse, is also Lord of that bridle, and he that should buy that horse, should also buy that bridle which belongeth to that horse. And therefore either it must be said, that such a bridle doth belong to such a horse for that the bridlemaker did make it serue such a horse, and for this respect it can not be truly said, that he, who is Lord of that horse, is Lord also of that bridle, for the bridlemaker, and not he who is owner of that horse, may be Lord and owner of the bridle: or else for that such a bridle is, for the most part, or alwaies vsed for such a horse; neither for this respect, or any such like can it be truly said, that he who is Lord of that horse is consequently Lord of that bridle, and can dispose thereof, because that bridle may be lent for the vse of that horse by some other man, who is the true Lord and owner of that bridle, and consequently may dispose thereof, and not of the horse.

64 It remaineth therefore, that for this cause onely, as my *Aduersary* himselfe here insinuateth, such a bridle can bee said to belong to such a horse, for that the same man, who is the true Lord, and owner both of the horse and bridle, and consequently hath power to dispose of them both, doth appoint that bridle to serue that horse; and although in this sense that consequent bee true, to wit, that hee who is Lord of any horse, is also Lord, and can dispose of the bridles, which belong to such a horse, or to speake more properly, which belong to the Lord of such a horse, for that the same man is Lord of them both, yet it is not true by vertue of the consequence, or by vertue of that maxime, *The accessory followeth the principall*, or for that the horse is the principall, and the bridle the accessorie, in that sense as principall and accessory

cessorie ought to be taken in that maxime; for then it must also follow, that hee who buyeth that horse, and consequently can dispose thereof, as being the true owner of that horse, hath also power to dispose of that bridle, for that the *accessorie must follow the principall*, which consequence is false, but the consequent is true not by vertue of that maxime, *The accessorie followeth the principall*, but by vertue of another maxime, which is, *that he who is the true Lord, or owner of any horse, bridle, or of any such like temporall thing hath power to dispose thereof.*

65 Wherefore it is apparant, that my aforesaid instance, argument, or consequence, *The accessorie followeth the principall*, therefore hee who is Lord of all horses, is consequently Lord, and can dispose of all bridles, is neither true in Soueraigne Princes, nor in private men, vnderstanding, as my *Adversarie* doth, that bridles are accessorie to horses, neither doth that consequent, although it bee true, not by vertue of that maxime, *The accessorie followeth the principall*, but by vertue of this, that hee who is Lord of any bridle hath power to dispose thereof, or he that is Lord and can dispose of all temporall things, hath consequently power to dispose both of all horses, and all bridles, for the my *Adversaries* argument concerning the *Popes* power to dispose of all temporall things, vnlesse it bee first prooued, as hitherto it hath not beene, that the *Pope* is Lord both in temporalls and spiritualls, in such sort, that for the common spirituall good he may dispose of all temporall things, as it is certaine, that absolute Princes may for the common temporall good dispose of all temporalls, and private men may dispose of those goods, which are their owne. And therefore the comparison, which my *Adversarie* heere maketh, betwixt the Lord of a horse, who only disposeth of his owne bridles, and not of another mans, and the *Pope*, who to punish a Prince disposeth only of the Princes goods and states, and not of other mens, is to little purpose, for that it doth suppose that which is in question, and which hitherto hee hath not prooued, to wit, that the *Pope* hath power to dispose of the temporall goods, states, and bodies of all Christians, and that the publike good of the Church doth necessarily require, that the *Pope* haue power to dispose of all temporalls. And thus much concerning my first instance, wherein whether I haue plaied bootie with them, and helped vnder-hand to defend his cause, and whether it be foolish, ridiculous, and repugnant to my owne doctrine, I remit to the iudgement of any learned man.

66 Now you shall see, how well Mr. Fitzherbert replyeth to my second instance: His other argument, or instance saith he, ^m is, as I haue said no lesse malicions then his last was foolish and ridiculous. The *Pope*, saith hee, hath power ouer the Princes soule, ergo, ouer his life, because the accessorie followeth the principall: wherein you see hee seeketh to draw vs to an odious question touching the line of Princes. Newerthelesse to say

m Pag. 38. m.
15. 16. 17.

somewhat unto his argument, and yet not to enter into such an odious matter, let him make the case his owne, and I will not deny, but that the Pope hath power over his soule, and being withall supreme Governour of the whole Church, hath power also over his life, so farre forth as it may be convenient for the good of the Church, I mean not, that the Pope hath power to take his life without iust cause, or by vniust, or unlawfull meanes (which neither the temporall Prince, who hath direct power over his body can doe) but upon iust occasion giuen by him, and according to the ordinarie manner prescribed by the Ecclesiasticall Canons, that is to say, by deliuering him o-
uer to the secular Iustice, because the Church, as S. Leo saith, refugit cruentas vltiones, doth fly bloodie punishment, and therefore the Church useth not by her owne ministers to giue, and much lesse to execute the sentence of death upon any, though shee might doe it, if shee would; for seeing there is nothing that hindreth it, but Ecclesiasticall Canons, the Pope being head of the Church, might dispence therewith, and make it lawfull, if iust occasion required.

67 And how true it is, that the Pope hath power over the life of any Christian (with the circumstances and limitations before mentioned) I feare me, my Adversarie Widdrington might find to his cost, if hee were heere, and would not recant his doctrine, even in this point, to wit, that the Church cannot inflict temporall and corporall punishments, whereby hee impugneth not only the ancient, and vniuersall practise and custome of the Church, but also the Ecclesiasticall Canons, ⁿ and decrees of many Councells and Popes, and finally of the Councell of Trent, as I shal haue good occasion to shew more particularly hereafter.

68 In the meane time hee is to vnderstand, that granting as hee doeth, that the body is subordinate and subiect to the soule, and that all corporall and temporall things are to serue spirituall things, yea and to bee commanded by the supreme spirituall Pastour to that end (and consequently that they are accessorie in the respect of the soule and good of the Church) hee cannot with reason deny the consequence of my argument, to wit, that forasmuch as the accessorie followeth the principall, therefore he that hath power o-
uer the soule, and all other spirituall things, hath power also over all things that are accessorie thereto, namely the temporall goods, states, and bodies of
all Christians, when the good of soules, and of the whole Church doth necessarily require it, as shall bee further declared after a while & upon further oc-
casion giuen by my Adversarie.

69 Heere you see, that Mr. Fitzherbert doeth not deny my consequence, but alloweth it for good in those his wordes. And how true it is, that the Pope hath power over the life of any Christian, (and consequently of Christian Kings) with the circumstances and limitations before mentioned, to wit, so farre forth as it may be convenient for the good of the Church (a large and intollerable extension of the Popes spirituall power

S. Leo epist. ad
Turbium. 1. 1. 1.
vriensis. Episc.

n Cap. ab ab-
solendam cap.
vergentis. cap.
excommuni-
cimus extra de
her. sic. & ca.
licet de voto, &
cap. 1. de homici-
dio m. 6. &
Concil. Trid.
sess. 24. c. 8. &
25. cap. 3.
o Inf. c. 11. m.
3 & 9. item c.
12. m. 6. 7. & f.
p Cap. 5. m. 37.
& 38. item c. 6.
m. 12. 13. 14.
& seq.

power to take away the liues of Christian Princes and subiects) and *upon iust occasion giuen by him*: and againe, *that the Pope hath power ouer the temporall goods, states and bodies of all Christians,* (and consequently of Christian Princes) *when the good of soules, and of the whole Church doth necessarily require it.* So that you see he graunteth my argument to be good, but yet to be malicious, that I speake the trueth, but of malice. But truly it is strange to what virulent and slanderous speeches some intemperate spirit hath drawen the libertie of this mans pen. If he imagine, that with any colourable reply he can except against my aunswere, then it is friuolous, impertinent, foolish and ridiculous: if he can not, then it is malicious. God almightie, who is the onely searcher of all mens hearts, knoweth herein my innocencie, and that zeale to the Catholike religion, desire to know the trueth, loue to my Prince and countrey, and not any spleene or malice hath moued me to write both this, and all the rest: and therefore I humbly beseech his Diuine *Maiestie* to forgiue him, and to graunt him true repentance for that which is past, and that hereafter he may haue a more milde and temperate spirit.

70 But wherefore, trow you, is my argument malicious? *because it draweth him, sayth he, to an odious question*: as though, forsooth, the propounding of euery odious argument, although it be neuer so good and conuincing, must needs proceed from malice. I confesse indeed, that this doctrine concerning the killing of Christian Princes is odious, abominable, false, scandalous, neuer taught in the Church of God before these later yeeres; and which all good subiects ought with all their hearts to detest and abhorre, and Princes more narrowly to looke vnto, and whether this doctrine for the *Popes* power to depose Christian Princes be a point of faith, from whence such an odious, scandalous and detestable doctrine doth necessarily follow, I hope all good Catholikes, and true hearted subiects will heereafter more diligently consider.

71 *And how true it is, sayth my Aduersarie, that the Pope hath power ouer the life of any Christian (with the circumstances and limitations before mentioned) I feare me, my Aduersarie Widdrington might finde to his cost, if he were here at Rome, and would not recant his doctrine euen in this point, to wit, that the Church can not inflict corporall and temporall punishment, whereby he impugneth &c.* But first, that the Pope hath power at Rome ouer the liues of those, who are his temporall subiects, no man calleth in question, for that he is now the temporall Prince of Rome. But this prooueth not, that the Pope as he is Pope, and by vertue of his spirituall power hath authoritie to put any man to death. If my *Aduersarie* could bring but one example, that the Pope before he was a temporall Prince, and when the Citie of Rome was subiect in temporals

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to the Roman, Grecian, French or German Emperours did by vertue of his spirituall power put any man to death, then he should say something to the purpose, if the facts and examples of *Popes* were a sufficient argument to prooue their right and authoritie.

72 Secondly, although it be true, that the Church by vertue of her spirituall power hath authoritie to command, impose or enioyne corporall and temporall punishments, as I haue often said, and the ancient and generall practise of the Church doth confirme the same, yet that Ecclesiasticall authoritie is, by the institution of *Christ*, extended to the disposing of temporals, or to the inflicting of corporall and temporall punishments, as death, exile, priuation of goods, imprisonment, very many *Doctors* with *Iacobus Almainus*, as I haue often said, doe expressly deny; neither hath the contrarie as yet by any approoued practise and custome of the Church, or by any other conuincing argument bene sufficiently prooued, and what my *Aduersarie* doth particularly bring to that purpose from the Ecclesiasticall Canons, and decrees of any Councell or *Pope*, and from the late Councell of *Trent*, you shall see in those places, where he promiseth to shew it more particularly.

Almainus in
libro de Do-
minio natu-
rali, ciuili &
Ecclesiastico
in probatione
secunde conclu-
sionis.

73 In the meane time to conclude this Chapter with my *Aduersarie*, he is also to vnderstand, that albeit I doe graunt, the body to be subordinate and subiect to the soule, and that all corporall and temporall things are to serue spirituall things in that manner, as I haue at large declared in the second part, and in the beginning of the next chapter will briefly insinuate againe, and therefore to be commanded by the supreme spirituall Pastour in order to spirituall good, yet with good reason I did deny the consequence of his argument, to wit, that for as much as the *accessorie* followeth the principall, therefore he that hath power ouer the soule and all other spirituall things, hath power also ouer the temporall goods, states, and bodies of all Christians, when the good of soules and of the whole Church doth necessarily require it, if he vnderstand, as it is cleere he doth, of a power not onely to commaund, enioyne, or impose, but also to dispose of temporals, and to inflict temporall punishments: for that temporall states and bodily goods are not *accessorie* to the spirituall good of the soule, and of the Church, as *accessorie* is and ought to be taken in that maxime, because the spirituall good of soules and of the Church may bee without such temporall goods and states, yea and in euery particular man perchance better without them, then with them: Neither is it necessarily required to the good of soules or of the whole Church, that the *Pope* haue power to dispose of the temporall goods, states or bodies either of Christian Princes or subiects; and therefore the Reader may also well coniecture, what he is to expect from my *Aduersarie* in the rest of his Replies, when in this, where
he

he maketh a shew to haue so great aduantage against my answere, that hee feareth not to call it friuolous, impertinent, foolish, ridiculous, and contrary to my owne doctrine, yet all his exceptions are so improbable, that his virulent speeches might very truly, if Christian modestie, and charitie would permit, be retorted backe vpon himselfe.

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wherein Widdringtons answere to Fa. Lessius argument taken from that maxime, hee that can doe the greater can doe the lesse, is confirmed; and the foure instances, which hee brought to confute the said argument and maxime, are examined, and prooued to be neither friuolous, nor impertinent, but sound, sufficient, and to the purpose: Also Cardinall Bellarmines example touching the translation of the Romane Empire, and the argument, which D. Schulckenius bringeth to confirme the same, with two other examples of Clodoueus King of France, and of Boleslaus King of Polonie, are confuted.



¹ Fitzherbert in his third Chapter proceedeth with the like bitterness, and yet with as little probabilitie as hee did in the former; For after I had made two instances against his argument, drawne from that rule of the Law, *The accessory followeth the principall*, I brought foure instances against another like consequence of Fa. Lessius, taken from another maxime. *The like argument,*

said I, ^a Fa. Lessius doth urge. The Pope, saith he, hath power to excommunicate Kings, and therefore he hath also power to depose them, because hee ^{a In Admonit.} that hath power to inflict a greater punishment, hath also power to inflict a lesse. ^{no. 15.} We might also conclude thus, if it were lawfull to transcend from one thing to another of a diuers kinde and nature, The Pope hath power to excommunicate Kings, therefore also to kill them, because he that can doe the greater, can doe the lesse. A man hath power to understand, therefore also to ssee. A priuate Priest hath power to absolve from sinnes, therefore also from debts. He hath power by force of the Sacraments to giue the kingdom of heauen, therefore also to giue an earthly kingdom. Are not these and such like goodly arguments to perswade English Catholikes to cast away prodigally all their goods, and to deny their allegiances to their Prince? Thus I argued in that place.

2 Now

2 Now my *Aduersarie*, after he had repeated my words, replieth
 b 24. 1. 2. against these instances in this manner. *b Thus saith Widdrington, scoff-*
ing and coggling, as you see, and shewing his malice no lesse then before. But
how sincerely and truly he alledgeth the argument of Lelsius, I know not,
for I haue not his booke, neither did I euer reade it, and I make no doubt,
but if it had bene laid downe, together with the circumstances thereof, it
would haue bene cleere enough of it selfe, and not haue needed any defence
or explication of mine: And truly although it were as bare, and naked as
he makes it, yet the consequence would be good and sound for ought he saith
against it, seeing he saith nothing in effect, but that which may be urged in
like manner against the Apostle Saint Paul for the like argument, in his
Epistle to the Corinthians, where commanding them to constitute, and ap-
point Iudges amongst themselves to decide their controuersies, he said, Nescitis
quoniam angelos iudicabimus, quanto magis secularia? Doe you
not know, that we shall iudge Angels, and much more secular things?
as who would say, seeing wee haue the greater and more eminent power, haue
we not also the lesse? if we haue power ouer spirituall things, haue we not also
power ouer temporall or secular things? Thus argued the Apostle vpon the
same ground that Lelsius doth, to wit, vpon this principle, qui potest maius,
potest etiam minus.

3 And now will this graue Sophister scoffe at the Apostles argument,
 and say, that he might as well haue concluded, that Qui potest intelligere,
 potest volare, Hee which can vnderstand can flie? for what can bee more
 different in kinde and nature, then Angels, and secular things? and yet ne-
 uerthelesse the Apostle prooued soundly by an argument a maiori ad minus,
 that the Church might ordaine, and dispose of secular iudgements, because
 it had a greater power to iudge of Angels: and the reason, that moued him
 thereto, was the same that moued Lelsius, to wit, the subordination of secu-
 lar and temporall things to spirituall: for albeit spirituall and temporall things
 are of different kinde and order, being considered in their owne natures, yet
 if they be respected and conioyned in one Ecclesiasticall, or mysticall body, and
 referred to one last end (which is Gods seruice and glory) they are subordinate
 the one to the other, and therefore are not of diuers orders in that respect.

4 And if hee grant not this, how will he make good his owne former
 grant, that the Pope hath power to command corporall and temporall things,
 quatenus spiritualibus deferuiunt, so farre forth as they serue spirituall
 things? doth he not therein acknowledge this subordination, and thereupon
 grant that power in the Pope, as a consequent of his spirituall power? why
 then doth he deny the argument of Lelsius, grounded vpon the same conside-
 ration seeing he argueth a maiori ad minus, concerning things subordinate
 one to another? as who would say, that for as much as spirituall things are su-
 perior in order and dignitie to temporall things, and all of them principally
 ordained and referred to Gods glory and seruice, therefore he that hath su-
 preme

preame power over the spirituall (which is the greater and higher) hath power also over the temporall (which is the lesse and inferiour) to dispose thereof, as shall be requisite for Gods glorie and service, whereto both spirituall and temporall things are ordaineu.

5 Whereupon it also followeth, that the Pope hauing power to excommunicate Kings, may depose them, as well because the power to excommunicate is greater then the power to depose, as also because the temporall state, wherof the Pope deprineth the Prince, is ordained to serue the spirituall, and therefore to be disposed by the supream spirituall Pastour, so far forth as shall be necessarie for Gods service, and the good of the Church. So that you see the argument of Lessius (if he made any such) hath a good consequence. Thus Mr. Fitzherbert.

6 But to omit his bitter and slanderous words, the maine substance of his reply in this chapter is, as it was also in the former chapter, grounded vpon the subordination of the temporall power to the spirituall, and of temporall things to the eternall saluation of soules, wherof I treated at large aboue in the second part, which if the Reader will be pleased to peruse, he will easily perceiue, that all my *Aduersaries* reply in this chapter is of little worth, and that from this subordination no found argument can be drawne to prooue, that the Pope hath power to dispose of temporall things. For albeit the temporall power may be said to be subiect to the spirituall, or rather temporall Princes are in spirituals, and in temporals as they are reduced to spirituals, subiect to the direction or command, and to the spirituall coercion, or correction of the supream spirituall Pastour: And albeit temporall goods and states both of the body, and of fortune may be said to be subordinated, or rather ordained to the eternall saluation of soules, although not of their owne nature, as I declared in that place, but in this sense, that all Christians, as well *Laikes*, as *Clerkes*, *Kings*, as *Popes*, are bound to refer all their powers and actions to the eternall saluation of their soules, in so much that as spirituall Pastours are bound to referre and ordaine their spirituall power, and the vse thereof to the eternall saluation of their own soules, & of those who are subiect to them, so Christian Princes are bound to refer their temporall power, & the vse thereof to the eternall saluation of their own soules & of their subiects: Neuerthelesse, considering that *Christ* hath left in the Christian world, or commonwealth, as it containeth both temporall & spiritual power, earthly kingdomes, & the spirituall kingdome, or Church of *Christ*, two distinct & supreme powers, & consequently independant one vpon the other, and therefore neither subordinated, or subiect one to the other in those things which are proper to each other, as the disposing of spiritual things, and spiritual coercion or correction are proper & do belong to the spiritual power, so the disposing of temporall things, and temporall coercion or correction

correction are proper, and doe only belong to the temporall power.

7 So that although it belongeth to the supream spirituall *Pastour* to direct and instruct a temporall Prince in his temporall power, as it is *Christian*, that is, to instruct him in what manner hee ought to vse his temporall power according to the grounds of *Christian Religion*, and to command him to vse his temporall power, and to dispose of temporalls in that manner as *Christ* hath ordained, to the benefit of his owne soule, and of his Subiects, and also to command him that he doe compell his Subiects by meanes of his temporall power, or with temporall punishments to the obseruing of the lawes of *Christ*, and of his Church, and if the *Prince* refuse to obey the iust commandement of his spirituall *Pastour*, it belongeth also to the spirituall *Pastour*, to compell him therunto by meanes of his spirituall power, or with spirituall punishments and Ecclesiasticall Censures, in that manner as the inflicting of Ecclesiasticall Censures may be called a compulsion, yet the vsing of temporall power, the disposing of temporall things, the compelling with temporall punishments, or the inflicting of temporall punishments, and punishing temporally by way of constraint, are only proper, and doe belong to the temporall power, for which cause *S. Bernard*, as I shewed before, did affirme, that the *materiall sword* is, according to our Sauiours command, to be used for the Church, but not by the Church, with the hand of the Souldier, not of the Priest, at the becke, or direction of the Pope, but at the command of the Emperour.

8 Now to come to my *Aduersarie*; although he hath not, as he saith, *Lessius* booke, nor euer reade it, yet I haue both seene it, and reade it, and I haue alleadged truly his expresse words as they lye, and I doubt not but that my *Aduersarie* may easily get a sight thereof. But howsoeuer, that which hee saith, is very vntrue, that I say nothing in effect against *Lessius* argument, but that which may bee vrged in like manner against the Apostle *Saint Paul*: for that *Saint Pauls* argument, as I shewed before in the former chapter, was not grounded vpon this maxime, *hee that can doe the greater can doe the lesse*, whereon *Lessius* groundeth his argument, for this maxime is very vntrue, vnlesse the greater doeth actually, or virtually include and imply the lesse, or which I take for all one, vnlesse the greater and the lesse be of the same kind or order. But *S. Pauls* argument was grounded vpon this maxime, *hee that is not vnworthie to doe the greater, is not vnworthie to doe the lesse*. For *S. Paul* intended only to prooue, as I shewed before, that Christians were not vnworthie to iudge of secular things, because they wereto iudge the world; and the Angels, and therefore by the argument *a maiori ad minus* they were not to be accounted vnworthie to decide secular causes. Neither hath euery man that power, whereof hee is not vnworthie, but he hath onely that power, which hee, who hath

autho-

authoritie to giue that power, hath granted, although perchance he be not vnworthy to haue a greater power; as to be Lord *Chancellor* is a more great and eminent authoritie then to be Lord *Chamberlaine*, and yet it is not lawfull thus to argue from that maxime, *he that hath the greater authoritie hath the lesse*, therefore he who is Lord *Chancellor* is also Lord *Chamberlaine*, albeit we might rightly thus conclude, as the *Apostle* did, *a maiori ad minus*, he that is not vnworthy to be Lord *Chancellor* is not vnworthy to be Lord *Chamberlaine*, for that he, who is not vnworthy to haue the greater authoritie, is not vnworthy to haue the lesse.

9 If therefore I had denied the *Pope* to haue authoritie to dispose of temporall things, because he had beene vnworthy to haue that authoritie, then I had indeede disprooued the *Apostles* argument, but seeing that I doe onely for this cause deny the *Pope* to haue authoritie to dispose of temporall things, for that *Christ* our Sauour hath not granted this authoritie to him, but onely to temporall *Princes*, I doe not goe against the *Apostles* argument. Neither did the *Apostle* goe about to prooue, that the Church might ordaine and dispose of secular iudgements, taking secular iudgements for such, as doe proceed from publicke authoritie, and can not be done by priuate power, but hee onely commanded the *Corinthians* for auoiding of scandall to appoint *arbitrarie Iudges* among themselves, which they might doe by their owne priuate power, and without any derogation to the temporall Magistrate, and in case of scandall they ought also so to doe, and he onely intended to prooue, that because they were not vnwoorthy to iudge the Angels and the world, much more were they not vnworthy to be *Arbitrarie Iudges* in secular causes. Wherefore Saint Paul did not intend to prooue, either by the subordination of the temporall power to the spirituall, or by any other argument, that the Church might ordaine or dispose of those secular iudgements, which belong to temporall authoritie, neither can there be drawne any good argument from this subordination to prooue the same, as I haue shewed more amply in the second part.

10 Neither did I graunt, that the spirituall *Pastour* hath power to command corporall and temporall things, *quatenus spiritualibus deserviunt, so farre forth as they serue spirituall things*, for that corporall and temporall things are ordained to spirituall things, and to the eternall saluation of soules, as my *Adversary* vntruely affirmeth, for then indeede I must also haue granted, that the *Pope* hauing power to dispose of spirituall things, hath consequently power to dispose of temporall things, *so farre forth as they are so serue spirituall things*, but my reason was, as you haue seene in the former chapter, because the power to command temporall things in order to spirituall good is a spirituall power

power, and agreeable to a spirituall Pastour and Gouvernour, as he is instituted by *Christ*, but the power to dispose of temporall things, whether it be in order to temporall, or to spirituall good, is a temporall power, and therefore not agreeable to a spirituall Pastour, according as our Sauour hath in the Christian world or common wealth instituted, ordained, and distinguished these two *supreme* powers temporall and spirituall by their proper acts, functions and dignities.

11 And albeit both spirituall and temporall things are referred to one last end (which is Gods honour and glorie) as to the center, to which both of them ought to tend, yet from hence it can not be rightly concluded, that the temporall power is subordained to the spirituall, or that temporall things, as temporall lawes, temporal actions, temporall punishments and the like, are subordained to spirituall things, as to spirituall lawes, spirituall actions, spirituall punishments and the like, but that both of them are, I doe not say, subordained one to the other, but ordained to one and the selfe same end, which is the glorie and seruice of God, and the saluation of soules, which is as it were the center, to which the temporall power by temporall lawes, and by disposing of temporals, and the spirituall power by spirituall lawes, and by disposing, or dispensing of spirituall things ought to tend. By which it is apparant, that although it were supposed, that the disposing of temporall things, and the vsing of temporall power, were in some cases necessarieto the honour and seruice of God, to the good of the Church, and to the saluation of soules, yet it can not be performed but by the temporall power, for that our Sauour *Christ* hath giuen to spirituall Pastours onely spirituall power to promote and maintaine by spirituall meanes the good of the Church, and to bring soules to heauen, and temporall meanes, and temporall power he hath left to the disposition of temporall Princes, whom he forsaue, and preordained to be *Nurses, Patrons* and *Protectors* of his Church.

12 Wherefore although my *Aduersarie* did endeaour, as you haue seene in the former chapter, to prooue by the subordination of temporall things to spirituall, that the *Pope*, because he hath power to command, and to dispose of spirituall things (which as he said are the principall, and to which temporall things are subordained) hath power also to dispose of temporals, and thereupon grounded his argument vpon that rule of the law, *The accessorie followeth the principall*, which argument neuertheless how weake and insufficient it is, I haue shewed in that place, yet *Lessius* doth not ground his argument vpon that rule, *The accessorie followeth the principall*, but vpon this maxime, *He that can doe the greater can doe the lesse*, from whence he concludeth, that the *Pope*, because he can excommunicate a King, which is the greater punishment, can also depose a King, which is the lesse. But this argument
also

also is very insufficient, for that the afore said maxime is not generally true, as I prooued by foure instances, except the lesse be *actually* or *vertually* included in the greater, as deposition, or the power to depose a King, is neither *actually* nor *vertually* included in excommunication, or in the power to excommunicate. Therefore vnlesse it be first prooued, as hitherto it hath not bene, that deposition is *actually* or *vertually* included in excommunication, or the power to depose in the power to excommunicate, it is euident, that no good argument can be drawne from that maxime, *He that can doe the greater can doe the lesse*, to proue that the Pope, because he hath power to excommunicate a King, which is the greater, hath power also to depose him, which is the lesse.

13 Now you shall see, how well Mr. Fitz. connecteth the foure instances I brought against Lessius argument. *This being so*, saith he, *let vs examine a little, what goodly arguments Widdring. hath made to confront with the former, to discover the absurdity, which he supposeth therein.* The first is, *Potest Papa Reges excommunicare, ergo occidere.* The Pope may excommunicate Kings, and therefore he may kill them: whereto I answered, as I did in the like before, that he bewrayeth herein his malice, seeking to draw vs to a most odious question. supposing, as it seemeth, and maliciously insinuating, that wee hold and teach, that the Pope hauing excommunicated, and deposed a King, may murder him or cause him to be murdered and that some Popes haue practised the same (as some shamelesse Sectaries haue impudently affirmed) wherein he sheweth his good affection to Catholike Religion, and the remendable respect he beareth to the Sea Apostolike.

14 But if he vnderstand nothing else by the word, *occidere*, but to take away the life of a delinquent by lawfull meanes, I haue answered him already, that if hee make the case his owne (for with Princes lues I will not meddle) I make no doubt but the Pope hath power ouer his life: and therefore I also say further now, concerning the argument whereof we treat, that the consequence thereof is good in him and such as hee: for seeing that it is a greater power to take away the life of the soule by excommunication, then of the body by temporall death, it followeth, that the supreme Pastour hauing the greater power, hath the lesse, by reason of the subordination of the body to the soule, and his supreme power to dispose of the body for the good of the soule, and the publike benefite of the Church. And thus much for this point.

15 But to this Reply I will at this time answer no otherwise then I did before, that in very deepe it is a most odious question, and the doctrine is worthe to bee hated and detested by all good Catholikes, and whether such an odious, & detestable doctrine can be a most plaine & necessarie consequence of an vndoubted point of the Catholike faith, as my *Aduersaries* will needes haue the doctrine for the Popes power to depose Princes, and consequently to kill them, which by an euident, and necessarie consequence followeth from the former, to be an infallible

point of Catholike faith, I remit to the consideration of any iudicious man. Neither is it true, that I did vrge this argument of malice, God is my witnes and therefore in this my *Aduersarie* doth greatly wrong me; neither doe I suppose, or maliciously insinuate, that some *Popes* haue practised the murdering of *Kings*, as this vncharitable man vntruly affirmeth, thinking thereby to perswade his Reader, that I beare no good affection to Catholike Religion, nor any reuerend respect to the *Sea Apostolike*; but that, which I suppose and insinuate is, that he, & the rest of his Societie, who hold that the *Pope* hath power to dispose of all the temporals both of *Princes* and subiects in order to spirituall good, in as ample a maner as temporal *Princes* haue power to dispose of all the temporals of their subiects in order to temporall good, must consequently hold, that the *Pope* hauing excommunicated & deposed by his sentence an heretical *King*, yea also without excommunicatio or deposition, if the *Pope* shal think that neither of them wil preuaile, but cause the said *King* to be more watchful, may, which I speak with horror, murder him, or cause him to be murdered, that is, may kil him, or cause him to be slaine by all those meanes publike or secret, by which a temporal *Prince* hath power to murder, or cause to be murdered, that is, to kill, or cause to be slaine any traiterous subiect, or manifest rebel, that cannot easily be apprehended

d Nu. 43. & f.
e In Apol ad
nu. 43 p. 144.

f In Defens.
G. l. 9. c. 4. n. 30
See my Appen.
against Sua-
rez part. 1. ser. 9

16 And this I did demonstrate in my *Apologie* against Cardinall Bellarmine, to which my demonstration D. Schulkenius ^e answereth no otherwise then with a transeat, *let it passe. For whether all this doth tend, saith hee, every man seeth: neither is it hard to solve the arguments: Let them passe, as making nothing to the matter: and then hee maketh a long discourse to shew, that neuer any Pope hath beene the cause of the death of any King, which is nothing to the purpose: so that in effect he granteth my argument, and Suarez ^f hath now more expressly taught the same, and my Aduersarie also doth heere plainly confirme as much: for although, forsooth, with the lawes of Princes he will not intermeddle, because it is an odious question, yet he maketh no doubt, but that the Pope hath power ouer my life, and ouer the life of any Christian (marke these generall words) for that he hath power to take away the life of my soule by excommunication, and consequently the life of my body by corporall death; which his reason proueth also the same of Christian Princes, who, according to his own grounds, can be excommunicated by the Pope: But I meruaile where this man hath learned this new diuinity, that the Pope hath power to take away the life of the soule by excommunication. The ancient, and true Catholike doctrine is, that excommunication doth nottake away the life of the soule, but supposeth, that it is before taken away, and therefore it cannot be inflicted but for a mortall sin, and it is applied as a wholsome medicine to restore the life of the soule againe, neither is it in the *Popes* power to take away the life of the soule from*

any

any Christian; concerning which life, that vulgar saying of S. Chrysost. is most true, *nemo leditur nisi a semetipso*, no man is hurt but by himselfe. If I should haue vttered so grosse and palpable an error, which no heretike, for ought I know, ever taught, what outcries would my *Aduersarie* haue made against me, what nicknames would he haue giuen me?

17 To my second instance, which was this: *who soeuer hath power to doe the greater, hath power to doe the lesse*, therefore a man who hath power to vnderstand, hath power also to see; Mr. Fitzherberts replyeth thus &c. But who seeth not the disparitie, and Widdringtons absurditie therein? for what dependance, subordination, or connexion can be imagined betwixt vnderstanding, and seeing? whereas he him selfe granteth a subordination of temporall things to spirituall, and therefore is also forced, as you haue heard, to acknowledge a power in the Pope to command temporall things in order to spirituall, whereby he convinceth him selfe of extreame folly in framing this argument, which hath no affinitie with the other.

18 But who seeth not, that there is no formal disparity, nor any absurdity committed by me in this Argument? For first, what dependance, subordination, & connexion is betwixt excommunication, & deposition. It is one thing, saith Becanus, ^h to excommunicate a King, and an other thing to depose him, or deprive him of his kingdome: neither is the one necessarily connected with the other. But marke the fraudulent dealing of this man: Widdrington granteth, saith he, a subordination of temporall things to spirituall, and therefore is forced to acknowledge a power in the Pope to command temporall things in order to spirituall. It is true, that I doe grant an ordination both of temporall, and of spirituall things to the honour of God, and the saluation of soules, in that manner as I haue before declared, but it is not true, that I do either graunt a subordination, or ordination of deposition to excommunication, or that by reason of the ordination of temporall things to the honor & seruice of God, & the saluation of soules, I doe grant a power in the Pope to command temporall things in order to spirituall, (as my *Aduersarie* saith I doe) but for that reason, which I haue more at large declared in the former chapter.

19 Seeing therefore that there is no dependance, subordination, or connexion betwixt excommunication, and deposition, what connexion, or affinitie can my *Aduersarie* require betwixt vnderstanding and seeing, to shew a formall disparitie betwixt *Lessius* argument, and the instance, which I made against it? And if hee say, that, albeir excommunication and deposition, temporall things and spirituall are of a distinct kinde and order beeing considered in their owne natures, yet if they bee respected as they are referred to one last end (which is Gods seruice and glorie) they are not of diuers orders, but are connected in that respect: it may also be replied, that vnderstanding and seeing, and all things whatsoeuer are referred to Gods seruice and glorie, as to the last end,

S. Chrysost.

nm. 5. in libro,
Quod qui se-
ipsum non le-
dit, nemo le-
dere possit.
g No. 8. pag.

h In Contro-
uersia Angli-
cana cap. 3. q. 2.
nn. 1.

and therefore in this respect they are not of diuers orders, but they haue herein a coherence and connexion. If therefore by reason of the ordination and reference of excommunication and deposition to Gods seruice and glorie, it may be rightly inferred, that because the Pope for Gods seruice, and glorie, can excommunicate, which is the greater, he can also for the same end depose which is the lesse, for the same ordination and reference of vnderstanding and flying to Gods seruice and glorie, it may also be rightly inferred, that because the Pope for Gods seruice and glory hath power to vnderstand, which is the greater, he hath also for the same end, power to flie, which is the lesse.

20 But secondly and principally, obserue, good Reader, how cunningly Mr. Fitzherbert would shun the difficulty, and change the state of the question, & the force of *Lessius* his argument: For the question between me & *Lessius* only is, whether this consequence, *The Pope can excommunicate, therefore he can depose*, be good by vertue of that maxime, *he that can do the greater can do the lesse*, for this is *Lessius* argumēt: Now my *Aduersarie* altereth this question, and would make *Lessius* argument to be, that the Pope can excommunicate, therefore he can depose, because temporall things are subordained to spirituall things, whereas this is not *Lessius* argument, which I did there impugne, but it is an other framed by my *Aduersarie* and taken from an other medium, to wit, the subordination of temporall things to spirituall, & grounded in that maxime, *the accessorie followeth the principall*, whereof I haue spoken enough in the former chapter. For *Lessius* his argument hath an other medium, to wit, that maxime, *he that can do the greater can doe the lesse*, which I contend to be no good argumēt, for that it would likewise follow from that maxime, that the Pope, because he can vnderstand, which is the greater, can also flie which is the lesse. For a excommunication, & deposition, although they doe materially disagree, for that they are of a diuerse kinde & order, yet they do formally agree in that maxime, *he that can do the greater can do the lesse*, because excommunication is the greater & depolition is the lesse, so also although there be a materiall disparitie betwixt vnderstanding & flying, for that they are of a diuerse kind & order, yet they do formally agree in that maxime of *Lessius*, because vnderstanding is the greater, and flying is the lesse. And therefore the extreame folly, wherewith my *Aduersarie* chargeth me, may more truly, if it were decent for me to vse such vndecent words, be returned vpon himselfe, in that hee taking vpo him to defend *Lessius* argument, cleane changeth the argument, & frameth an another out of his owne braine, which hath a distinct medium, & is grounded vpon another maxime from that which *Lessius* vsed.

21 To my third stance, which was this: He that can doe the greater can doe the lesse, if crosse a priuate Priest, who can absolve from sinnes, can also absolve from debts, Mr. Fitzherbert replyeth that Widdrington altereth

altereth the case in making his instance in private Priests, whose power is much limited, when the argument, which he impugneth speaketh of the Pope; who is the supreme spirituall Pastour, and hath plenitudinem potestatis, a plenitude, or fulnesse of power; and therefore albeit we teach, that the Pope may excommunicate and depose a Prince, yet no man holdeth; that a private Priest can doe either of them both, yea and wee see, that in the great Council of Lateran (where the deposition of Princes was ordained to be practised in some cases) the sentence of their deposition was reserved to the Pope himselfe, though the Metropolitan might excommunicate him.

22 Besides that, it is to be considered concerning the absolution of sinnes, and debts, that as neither Priest, nor Pope can absolve from sinnes in all cases (as when the sinner is not penitent, or will not make restitution of same, or goods, when he may conveniently doe it) so may the Pope absolve from debts in some cases for the very same reason, and in the very same case that he may depose a Prince, to wit, for the iust punishment of an offender, when the same shall be very necessarie for the benefite of the whole Church; for in such a case all private respects of temporall good or harme ought to yeeld to the common good of soules, and the publike weale of the Church; as in like manner all civil obligations cease, when they are encountred, and overweighed with the consideration of some great benefite, or inconuenience to the whole common wealth, for which respect the temporall Prince might in such a case iustly ordaine, that a debtor should bee discharged in law from the payment of his debt, whereby the sayde debtor should bee also discharged in conscience.

23 And much more may the supreme spirituall Pastour of the Church discharge a man from all obligation in conscience to pay a debt, when the same shall bee necessarie for the spirituall good; and publike benefite of the Church, whereto all temporall things ought to yeeld; so as the Pope may in some cases absolve from debts, as well as from sinnes; and when hee cannot, there is such, as doth nothing derogate from his supreme authoritie, and power to depose Princes; and therefore this argument of my Adversarie is as impertinent as the former.

24 But it is too too apparant, that I haue not any way altered the case or question. For the case and question betweene mee and Lessius is not at this present, whether the Pope can excommunicate, or whether he can depose, or whether this consequence; I he Pope can excommunicate, therefore he can depose, be good by reason of the Popes plenitude of power, but whether it be good by vertue of that maxime, *He that can doe the greater can doe the lesse*: and I affirme this consequence not to be good, because that maxime is not true in those generall wordes, as it is set downe. So that the onely case and question betweene mee and Lessius now is, whether that maxime, *He that can doe the greater can doe the lesse*, be true; and that therefore hee doeth from

there rightly inferre, that because the *Pope* can excommunicate, which is the greater, hee can also depose, which is the lesse. And that this generall maxime of *Lessius* is not true, I prooued by the two former instances, and also by this, for that if it bee true, that whosoever can doe the greater can doe the lesse, as *Lessius* affirmeth, it doeth consequently follow, that a priuate Priest, who can absolue from sinnes, which is the greater, can also absolue from debts, which is the lesse. If *Lessius* maxime had beene, every *Pope* that can doe the greater can doe the lesse, and I would haue impugned this maxime by priuate Priests, for that priuate Priests who can doe the greater, as to absolue from sins, cannot doe the lesse, as to absolue from debts, then indeede I should haue altered the case, in transferring the question from *Popes* to priuate Priests, who are not contained in the subiect of that maxime, every *Pope*, &c. but seeing that *Lessius* maxime is generall, *qui potest maius, potest minus, he that can* (which includeth Clerkes, and Laikes, Kings, and Subiects, *Pope* and Priests, and all other men whatsoeuer) doe the greater can doe the lesse, it is sufficient to prooue this maxime to bee false, without altering the case, if I can bring but one particular instance, whether it be of *Pope* or Priest, King or subiect, wherein this maxime is not true.

25 And if I should haue argued in this manner, *hee that can doe the greater can doe the lesse, therefore a priuate Priest who can build a Churche can build a Chappell*, would my *Aduersarie*, throw you haue said, that I had altered the case, for that he speaketh of the *Pope*, and I speake of priuate Priests? and I would wish also my *Aduersarie* to call to mind, what hee said a little before, that *S. Paul* argued from that maxime, which *Lessius* did, *hee that can doe the greater can doe the lesse*, and yet I thinke hee will not say that either *S. Paul*, or *Lessius* altered the case, although *Lessius* spake only of the *Pope* in his consequent, and *S. Paul* of priuate men. Also I would gladly learne of my *Aduersarie* in what manner the maior proposition, or antecedent of any argument, and consequently the argument or consequence it selfe may, according to his skill in Logicke, bee impugned without altering the case, as whether to impugn the maior proposition of this syllogisme *he that was neuer taught Logicke, cannot bee a good Logician, but F. T. was neuer taught Logicke, therefore F. T. cannot bee a good Logician*, it bee not sufficient, without altering the case to bring this instance, *M. T. F. was neuer taught Logicke, and yet hee is a good Logician, and therefore his Maior proposition, hee that was neuer taught Logicke cannot bee a good Logician, is not true*, and so the consequence deduced from it cannot bee good, which Maior proposition whether it bee sufficiently impugned or no, without altering the case, albeit I transferre the subiect of the minor proposition from *F. T.* to *T. F. M.*

Thomas Fitzherbert knoweth full well.

26 Wherefore it is sufficient without altering the case to impugn any vniuersall proposition, which is the *antecedent* of any consequence, and thereby to impugn the consequence it selfe, which is grounded vpon that *antecedent*, by bringing any one instance, wherein that *antecedent* proposition is not found to be true, although that instance be different either in *subiect*, or in *predicate*, or in both from the *consequent* of the former argument or consequence, so that the instance be contained in that *antecedent* proposition as a particular in the vniuersall. And herein Mr. Fitzherbert doth bewray his want of *Logicke*, as before he bewrayed his want of *Diuinitie*, in affirming, that the *Pope* by Excommunication doth take away the life of the soule. For if his skill in *Logicke* had beene but meane, he would quickly haue perceiued that if one impugn the *antecedent* proposition of any consequence, or argument, by altering the *consequent*, he doth not alter the case, so that the *predicate* and *subiect* of the *consequent*, which is brought to impugn the *antecedent*, be contained in the *predicate* and *subiect* of the *antecedent*, as a particular in the vniuersall.

27 And therefore I haue sufficiently without altering the case confuted that maxime, *he that can doe the greater can doe the lesse*, by this instance of a priuate Priest, who is contained in that *subiect* (*hee that can*) as a particular in the vniuersall, for that a priuate Priest can doe the greater, to wit, can absolue from sinnes, and yet he can not doe the lesse, to wit, absolue from debts: from whence it followeth, that the aforesaid generall maxime is not true, and therefore neither the consequence of that argument concerning the *Popes* power to excommunicate, and consequently to depose, which consequence is grounded vpon that generall maxime, can be good. By which it is apparant, that from that maxime it can not be rightly concluded, that because the *Pope* hath power to excommunicate, which is the greater, he hath power either to depriue *Princes* of their kingdomes, or to absolue *subiects* from their debts, which are the lesse.

28 Neither is the deposing of *Princes*, or the discharging of *subiects* from paying their debts necessary for the spirituall good, and public benefite of the Church, or which is all one to the saluation of soules; & although they were necessary yet seeing they are temporall, and not spirituall actions, they must be performed for the same spirituall end by temporall and not spirituall powers. And therefore that argument, which my *Adversarie* useth a *maiori ad minus*, that because a temporall *Prince* may absolue his *subiect* from the payment of his debt, therefore much more the supreme spirituall *Pastour* of the Church may doe the same, is of little worth, for that the disposing of temporall things, and the inflicting of temporall punishments, as is the

discharging of subiects from paying their debts, doe belong only to the temporall power of Secular Princes, and not to Ecclesiasticall authoritie, which, by the institution of *Christ*, is not extended to the inflicting of temporal punishments, as death, exile, priuation of goods, &c. but only of Ecclesiasticall or spirituall censures, as I haue shewed more at large in the first part.

h 20. v. 13.
pag. 46

29 To my fourth and last instance, which was this, *Hethas can doe the greater can doe the lesse*, therefore a primate Priest who hath power to give the kingdome of heauen, to wit, by vertue of the Sacraments, hath power to giue an earthly kingdome, Mr. Fitzherbert answereth as before, ^k that Widdrington changeth the state of the question, transferring it from the Pope to a primate Priest; for albeit this argument holdeth not in primate Priests, yet it is good in the Pope, if we change the consideration of the force of the Sacraments (whereto my Adversarie Widdrington ascribeth the Popes power) to the plenitude of power, by the vertue wherof the Pope hath a supreme authoritie; and therefore the argument would be good thus: *Potest Papa per plenitudinem potestatis, &c.* The Pope may by the plenitude of his power give the heauenly kingdome, and therefore he may giue an earthly, for the later being a necessarie consequent of the former, is necessarily comprehended in it, because the Pope by the plenitude of his power hath as much authoritie and iurisdiction, as is necessarie for the government and good of the Church. Whereupon it followeth, that whensoever it shall be absolutely necessarie and behoouefull for the Church, that he change or transferrē a kingdome or Empire, he may doe it, and giue not only the Kingly or Imperiall rule, but also the right to the crowne, as Leo the third, &c.

30 But Mr. Fitzherbert doth also in this answer bewray his ignorance and want of *Logicke*, as he did in the former: for it is cleere, that he himselfe, and not I, doth alter the case, and change the state of the question. For the question is not concerning the consequent of *Lessius* argument, but concerning the consequence, or that antecedent proposition, and maxime, *hee that can doe the greater can doe the lesse*, whereon his consequence or argument is grounded: and therefore by changing the consequent, the case or state of the question is not altered, when the consequent is included in the antecedent proposition as a particular in the vniuersall: as in the former part of this argument, *a Priest can giue the kingdome of heauen*, is included in the former part of that maxime, *hee that can doe the greater*, and the second part, *therefore he can giue an earthly kingdome*, is included in the second part of that maxime, *therefore he can doe the lesse*; for that to giue the kingdome of heauen is greater then to giue an earthly kingdome. And to make the case more plaine to the vulgar sort, put the case that I should argue thus, *Emery white thing is pleasant to the taste, therefore sugar is pleasant to the taste*, the consequent you see is true, yet the consequence is

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not good, for that the antecedent proposition is false: And if my *Adversarie* should impugne my consequence, and prooue my antecedent proposition to be false by this instance, *Euery white thing is pleasant to the taste, therefore chalke is pleasant to the taste*, and I should reply to this instance, and say, that he altereth the case, & changeth the state of the question, in transferring it from *sugar*, which is sweet, to *chalke*, which is vnflauoury, would not my *Adversarie*, throw you, according to his accustomed manner affirme, that my reply is impertinent, absurd, foolish, and ridiculous, and send me backe to learne *Logicke* againe?

31 Now you shall see, how plainly Mr. *Fitzherbert*, whiles he vntruely chargeth mee, as you haue seene, with altering the case, and changing the state of the question, he doth alter, and change it himselfe. For albeit, saith he, *this argument holdeth not in priuate Priests, yet it is good in the Pope, if wee changet he consideration of the force of the Sacraments (whereas Widdrington ascribeth the Popes power) to the plenitude of power, by the vertue whereof the Pope hath a supreme authoritie, &c.* But first it is vntrue, and I wonder that Mr. *Fitzherbert* blusheth not to say, that I ascribe the *Popes* power to the force of the Sacraments, seeing that I speake not one word in my instance of the *Pope*, but onely of priuate Priests. And if I had ascribed the *Popes* power to remit sinnes, and to giue iustifying grace, whereby we are made children of God, and heires to the kingdome of heauen, to the force and vertue of the Sacraments, had this beene, forsooth, any vnfound or bad doctrine? Will my *Adversarie* ascribe the *Popes* power to remit sinnes, and to giue iustifying grace not to the force and vertue of the Sacraments, but to the plenitude of his power, as though the *Pope* by the plenitude of his power could without the Sacraments remit sinnes, and giue iustifying grace? If this be his meaning, all Catholikes know, what Censure this doctrine deserueth, and it is in some sort agreeable to that, which he said a little before, that the *Pope* by excommunication doeth take away the life of the soule, which is iustifying grace.

32 Secondly, obserue, good Reader, how my *Adversarie* himselfe altereth the case, and changeth the state of the question, and the reason, or principle, whereon *Lessius* consequence or argument, which I did impugne, was grounded. For *Lessius* his argument was this: *The Pope can excommunicate Kings, therefore he can depose them, because hee that can inflict the greater punishment can inflict the lesse*, which proposition supposeth that generall maxime, *he that can doe the greater, can doe the lesse*, and this maxime was the reason and ground of his consequence or argument. Now my *Adversary* changeth this reason and ground, and flieth to another. *The Pope*, saith hee, *may giue the heauenly kingdome, and therefore hee may giue an earthly*, but for what reason thinke you? I expected, that he would haue yeelded *Lessius* reason, because hee that

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can doe the greater can doe the lesse, which reason by those *four* instances I did impugne, but he flyeth from this reason to another, because the Pope, saith he, hath a plenitude of power, by which hee may giue the heavenly, and consequently an earthly kingdome. Before he affirmed, as you haue seene, that the Pope hauing power to excommunicate Kings may depose them, as well because the power to excommunicate is greater then the power to depose, and this was Lessius his reason, which I impugned in this Chapter, as also because the temporall state, whereof the Pope deprineth the Prince, is ordained to serue the spirituall, and therefore to bee disposed by the supreme spirituall Pastour, so farre forth as shall be necessary for Gods seruice, and the good of the Church, and this is the reason, which my Adversary brought in the former Chapter, and was grounded in that rule of the Law, *The accessory followeth the principall*, which I impugned in that place: Now he yeeldeth another reason, which is taken from the plenitude of power, which the supreme spirituall Pastour hath.

33 So that you see how he himselfe now changeth the state of the question, and flyeth from Lessius reason, which I impugned, to wit, that hee that can doe the greater can doe the lesse, to the plenitude of the Popes power, which reason neuertheless is of small force, and it is rather *petitio principij*, or, a giuing that for a reason, which is the question: For albeit I doe not deny, that the supreme spirituall Pastour hath in spirituals a plenitude of power, that is, a full spirituall power to gouerne the Church, which is the spirituall kingdome of Christ, as likewise all Soueraigne Princes haue in temporalls a plenitude of power, that is, a full temporall power to gouerne their temporall kingdomes, yet how farre this plenitude, or fulnesse of spirituall power is extended, whether to the disposing of temporall things, and to the giuing, or depriuing of temporall kingdomes in order to spirituall good, as my Adversaries imagine, or onely to the disposing or dispensing of spiritual things, as many other learned Catholikes are of opinion, this is that, which is now in controuersie betwixt mee, and Mr. Fitzherbert, and which he taketh vpon him by all lawes humane, and diuine cleerely to conuince, and therefore to giue that for a reason, which is the question, is to commit that fault, which the Logicians call *petitio principij*.

34 If Mr. Fitzherbert had argued in that manner, as Lessius did, to wit, that the Pope by the plenitude of his power may giue the heavenly kingdome, and therefore hee may giue an earthly, because hee that can doe the greater can doe the lesse, then he had not altered the state of the question, or changed Lessius medium or reason, but then I would also haue denied his consequence, and haue impugned that reason or maxime, by those *four* instances, and infinite other, which might be brought, which do cleerely & directly confute and ouerthrow that maxime. But seeing that

that he flyeth from that *maxime*, which *Lesius* brought for his *medium* or reason, to the *plenitude* of the *Popes* power, he both altereth the state of the question, and also giueth that for a reason, which is the question: For I vterly deny, that the *Pope* by that *plenitude* of power, which *Christ* hath graunted to his Church, can, I doe not say command, impose, or enioyne temporall things, as temporall penalties, but dispose of temporall things, or inflict temporall punishments, although it bee imagined, that they are necessary, as they are not, to the good of the Church and the saluation of soules, it belonging only to the temporall power of Secular *Princes*, whom *Christ* hath appointed to be *Protektors* of his Church, to vse the temporall sword, to inflict temporall punishments, and to dispose of temporall things.

35 Wherefore, neither the *plenitude* of spirituall power in the supreme spirituall *Pastour* to giue the heauenly kingdome doth necessarily inferre a power in him to giue an earthly kingdome, as a necessary consequent of the former, as my *Adversarie* heere affirmeth, although the supreme spirituall *Pastour* by the *plenitude* of his spirituall power hath as much spirituall authoritie and iurisdiction, as is necessary for the gouernment and good of the Church, as it is instituted by *Christ* our Sauour, neither is the changing, transferring, or giuing of an earthly kingdome, and the disposing of all temporall things absolutely necessary for the spirituall good of the Church, or, which is all one, for the sauing of soules, as also my *Adversarie* here supposeth, from which necessitie, for the most part, he draweth an argument to prooue, the aforesaid power to dispose of all temporall things to be in the *Pope*, (although sometimes he graunteth, *that the Pope hath the aforesaid* 1 cap. 2. m. 3. power ouer temporall goods and States, yea and of the bodies of all Christians, so farre forth, at least, as it shall be conuenient for the good of the soule, and of the Church, which is a too too large and exorbitant extension of the *Popes* *plenitude* of power to take away the kingdomes and liues of Christian Princes, and to dispose of all temporals) for that, as Card. Bellarmine himselfe confesseth, it is not absolutely necessary, for the good of the Church to resist the common enemy, as is the *Turke*. For if the Church, sayth he, *could conuerse* under the most cruell persecutions of Nero, Domitian, Decius and Diocletian, why may it not also vnder the persecutioⁿ of the *Turke*? And although the disposing of temporall things, the changing, transferring, giuing and taking away of temporall kingdomes were necessary for the spirituall good of soules, or of the Church, yet they being temporall actions, and proper to the temporall power, as God almightie hath distinguished in the Christian world, or common-wealth, the temporall and spirituall power by their proper actions, functions and dignities, they can not be performed by the spirituall, but onely by the temporall and ciuill power, which

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stian Princes are by the law of *Christ* bound to use in defence of the Church, and for the necessarie good of their owne soules, and of their subjects.

36 Neither doe those examples, or facts of *Popes*, which my *Adversarie* here bringeth, or any such like, sufficiently prooue a power in the *Pope*, as he is a spirituall Pastour, to change, transference, giue, or take away earthly kingdomes, for that it is one thing, sayth Card. *Bellarmino*, to relate the facts of *Kings*, (and so likewise of *Popes*) and another thing to prooue their power, right and authoritie. As *Leo the third Pope* of that name, sayth my *Adversarie*, gave to *Charles the great the Emperre of the West*, which was acknowledged by the *Greeke Emperours* themselves to be the *Popes* gift, &c.

in Resp. ad A.
polog. pag. 157.
Edit. Colon.
Opag. 47. nu 13
Eginarth. in
vita Caroli.
Annales Fran-
cof. anno 801.
Paul. Diacon.
lib. 23. Zonara
tom. 3. An-
nal. Cedrenus
in vita Con-
stant. & Irene.
pau. 414. &
seq.

37 But to this example I did fully and cleerely answer in my *Apologie*; to wit, that the *Romane Empire* was not translated from the *Grecians* to the *Germans* by the onely authoritie of the *Pope*, but also by the common consent, suffrages, ordinance, decree, and authoritie of the *Senate*, and people of *Rome*, both *Clerkes*, and *Laikes*, with the tacite consent at least wise of all others, to whom it did belong, amongst whom the chiefest of all was the *Bishop of Rome*, who did not by his spirituall or Pontificall authoritie, which he as *Pope* receiued from *Christ*, cause that translation, but as he being the principall member, and citizen of *Rome*, and of the *Romane Empire*, did by his aduise, consent, soliciting, procurement, suffrage and authoritie chiefly set forward that translation, and as he was *Pope* did by his Pontificall authoritie approoue it to be lawfull, and no way repugnant to the law of God or nature, for which causes he is said by many writers to haue transferred that Empire, as the chiefe and principall Authour, procurer, and approouer thereof.

38 And this I did sufficiently prooue in that place both by the grounds of Card. *Bellarmino* himselfe, and also by the testimonies of those Authours, whom he alledged. For nothing can be concluded, saith he, by arguments taken from authoritie negatively. For it doth not follow, *Luke, Paul and Seneca* doe not say, that *S. Peter* was at *Rome*, therefore *S. Peter* was not at *Rome*; For these three were not bound to say all things, and more credite is to be giuen to three witnesses affirming, then to a thousand saying nothing, so that these doe not deny, what the others doe affirme. Seeing therefore that none at all of those thirtie two Authours, whom Card. *Bellarmino* brought for witnesses of the translation of the Empire made by the *Pope*, doth deny, that the aforesaid translation was done by the authoritie of the *Senate* and people of *Rome*, and not onely three of Card. *Bellarmino*s Authours, but also many more whom I cited there, doe most plainly affirme, that both the authoritie of the *Pope*, and also the consent, decree, ordinance, suffrage and authoritie of the *Senate*

q lib. 2. de Rom.
Pont. cap. 8.

Senate and people of Rome did concur to that translation, more credite is to be giuen to them, who doe affirme, that the Empire was translated by the *Pope, Senate, & people* of Rome, then to all the rest, although they were a thousand, who albeit they say that this translation was done by the *Pope*, yet they doe not deny, that it was also done by the *Senate*, and people of *Rome*. Thus and much more to the same purpose did I answere in my *Apologie*.

r See *Apologie*
427. & seq.

39 Now you shall see how cunningly and insufficiently D. *Schulckenius* doth shift of this my answere. For whereas he is very diligent for the most part to set downe my words, and text in particular, when hee imagineth, that with any colourable Reply hee can confute them, yet here he relateth Cardinall *Bellarmines* argument drawne from the translation of the *Romane* Empire to the *French* men, but hee altogether concealeth my answere thereunto, and so passeth ouer twentie pages of my *Apologie*, wherein both by his owne grounds, & by his owne *Authorities*, and many others I cleerly proued, that this translation was done not onely by the authoritie of the *Pope*, but also of the *Senate*, and people of *Rome*: and onely with a flourish of words hee endeouoreth to prouue by a *Dilemma*, which, as you shall see, is neither to the question betwixt me, and Cardinall *Bellarmino*, and which I also answered in that place, *That I must either approoue Card. Bellarmine's opinion, or else cleerely contradict my selfe in my answere*. Wherefore although D. *Schulckenius* maketh this title of his foureteenth Chapter, *The answere of Widdrington to the rest of the examples, which are taken from the facts of Leo the third &c. is examined*, yet hee neither examineth my answere to that fact of *Leo*, nor setteth it downe at all, albeit he confesseth, that I haue at large disputed thereof: But this is all that he replieth.

r Schulek.
in *Apol. cap. 14.*
pag. 597. 598.

40 And of the translation of the Empire, Cardinall *Bellarmino* hath exactly, soundly, and diligently written three booke of a iust bignes, in so much that nothing doth seeme can be added thereunto. Onely at this time I doe make this argument against my Adversary Widdrington. Either that translation was true, or fained: If hee say it was fained, hee will bee overwhelmed with the voyces of all Historiographers, and hee will take away all humane faith out of the world. But if hee say it was truly done, I aske againe, whether it was done iustly, or uniuersally? if hee say it was done uniuersally, first he will contradict almost all Catholike Writers: for onely the *Magdeburgian* Heretikes doe blame it as one of the miracles of Antichrist: Besides that hee will wrong all the *Latin Emperours*, who from that time haue bene, & shall be, as though their Empire is not grounded vpon a sound foundation: Lastly, he will reprehend all the people of the *West*, yea all the world, who haue hitherto honoured the *Latin Emperour*, as a true and lawfull possessor of the Empire. For also the *Grecians* themselves with their Emperour

Ad nu. 390.

perour, and the Persians, as wee haue related out of Bellarmine in the former Chapter, have acknowledged the Latin Emperours, as true and lawfull Emperours.

41 But if Widdrington say that it was done iustly, I demand whether it was done by the authority of the Romane Bishop, the Citizens of Rome assenting, or also requesting it, or whether it was done by the authority of the people of Rome, the Pope assenting, and crowning, and blessing the Emperour chosen by the people, or whether it was done by the authority of the Pope and of the people of Rome together. If he will say that it was done by the authority of the Bishop of Rome, the Citizens of Rome assenting and requesting it, he will agree both with the truth of the fact, and with Bellarmine, and with almost all Historiographers, and he will confirme the argument drawne from this example, which hee endeavourth to weaken. For Bellarmine doth not reiect the Authors which my Adversary citeth, who doe adioyne the people of Rome to the Pope of Rome in the worke of the translation of the Empire, so that the true power, and authority of transferring the Empire be given to the Pope alone, and assent, desire, request, and acclamation be given to the people. But if he will say, that it was done by the authority onely of the people, the Pope onely assenting, and crowning the Emperour chosen by the people, or also by the authority of the people, and of the Pope together, he will most manifestly contradict himselfe, for that in this whole booke he hath repeated a thousand times, that the people are bound by the Law of God to obey their Prince, and that neither in the case of Heresie, nor in any other case, civil disobedience can by the people be denied to the Prince, whom once they haue had and therefore that the people, who by the Law of God are subiect, cannot depose their Prince. Let my Adversary Widdrington choose what part he will, and hee will be compelled either to agree with vs, or to contradict himselfe.

42 Thus you see, what a braue flourish D. Schulckenius hath made, especially to those who haue not read my Apologie, as though forsooth he had said something to the question which was betwixt mee, and Cardinall Bellarmine, or had brought some new argument, which was not answered by me in that place, whereas it is as cleere as the Sun, that this his Dilemma is a meere euasion, and shift, and altogether impertinent to the question, and that I did fully satisfie it in that very place, both by the grounds of Cardinall Bellarmine, and also by those authorities, which hee alledged without contradicting my selfe at all. For the maine question betweene mee and Cardinall Bellarmine was, whether this translation of the Empire was done by the authority onely of the Pope, or by the authority both of the Pope, and also of the people, and I proued cleerly by Cardinall Bellarmines owne grounds, and also by his owne Authors, that it was done both by the Pope, and also by the Senate and people of Rome. Now D. Schulckenius saith
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little or nothing to this question, but flyeth to another by-question, to wit, *whether it was done iustly or vniustly*, whereas the principall question was onely of the fact, to wit, by whom the fact was done, whether by the *Pope* alone, or also by the people, and not whether the fact was iust or vniust. So that you see heere be two questions, the *first* is of the fact, to wit, whether there was any such fact, and by whom, and in what manner it was done, with all other circumstances, which belong to that particular fact: the *second* is of the iustice or iniustice of the fact, to wit, whether that particular fact considered with all particular circumstances belonging thereunto was iustly or vniustly done.

43 The *first* question, as D. *Schulckenius* himselfe affirmeth, 'is to be decided by the testimonies of Historiographers, to whom it appertaineth to write barely, simply and truly the facts of men; and the second, which doth necessarily suppose the first, by Diuines or Lawyers, to whom it appertaineth to decide what is right or wrong. Marke now how cunningly D. *Schulckenius* to confound his Readers vnderstanding inuerteth the order of these questions, and putting, as it were, the Cart before the horse, demandeth that first, which he should do last, and that last, which he should first. For *first* he demandeth, whether that fact, to wit, the translation of the *Romane* Empire from the *Grecians* to the *French*, was iustly or vniustly done; and *secondly* he demandeth, whether it was done by the authoritie of the *Pope* alone, or of the people alone, or of the *Pope* and people together; as though one should decide a case of conscience before it be known and agreed vpon what the case is, and what be all the pratically circumstances, which doe alter the case. belonging thereunto. For it is one case or question, to put the translation of the Empire to be done by the *Pope* alone, an other by the people alone, a *third* by the *Pope* and people together. Also it is one case, if it be done by the *Pope* and people together, when the Empire is forsaken and abandoned by the Emperour, or which is all one, with the expresse or tacite content of the Emperour, for that he refuseth to rule or reigne ouer the people any longer, and an other case, when the Empire is not forsaken by the Emperour, or which is all one, against the Emperours will and consent, for that he will stil remaine to be their Emperour. Now if D. *Schulckenius* had either put downe the case or question plainly with all particular circumstances belonging thereunto, it would easily haue bene answered, or else if it had pleased him to haue set downe my words, and the case as I did put it, and prooue it to be lawfull, the Reader would presently haue seene, that D. *Schulckenius* might well haue spared to make his aforesaid argument, or *Dilemma*, for that I did fully answere it in that place, and that neither I contradicted my selfe, nor that he did answere at all my argument, but that rather

rather by his silence, he did sufficiently acknowledge, that he could not answer it at all.

44 For first I did affirme, that the *Romane* Empire was translated from the *Grecians* to the *French* by the authoritie, decree, ordinance, consent and suffrage both of the *Pope*, and also of the people, and not of the *Pope* alone; and this I proued by Card. *Bellarmines* owne grounds, and also by his owne Authours and diuers others; to whom also may be added ^u *Guylielmus Malmesburiensis*; ^x *Anastasiu Bibliothecarius*; ^y *Suffridus*; ^z *Benenutus de Rambaldis*; ^a *Sabellicus*; ^b *Nicolaus Gilius*; ^c *Carolus Sigonius*, and many more. Secondly, I affirmed, that the Emperours of *Greece* had the *Romane* Empire as forsaken and abandoned by them, and that they refused to rule, gouerne and protect them any longer, and consequently that the translation done with those circumstances was iust, and without any wrong done to the *Grecian* Emperours; Neither in affirming this did I contradict my selfe. For albeit I did oftentimes affirme, that subiects are bound by the law of God, to obey in ciuill causes their temporall Prince, and that in no case they haue power to iudge him, or to withdraw their temporall allegiance from him, for that in no case an inferiour can iudge his Superiour, as Card. *Bellarmino* himselfe confesseth, ^d for which cause he affirmeth, that the Church in no case can iudge an vndoubted *Pope*, so long as he is *Pope*, Neuertheless I neuer affirmed, that when the *Emperour* doth abandon and forsake his Empire and people, and refuseth to be their *Emperour* any longer, but leaueth them to themselves, it is not in their power to choose them an other *Emperour*, or to change the Imperiall *Monarchie* into *Aristocratie* or *Democratie*, for that then the supreme temporall power and authoritie is immediately in the people, and this also I proued in that place out of Card. *Bellarmines* owne principles.

v Lib. 1. hist.
x In vita Leonis terij.
y lib. ad annum 781.
z In libro Augustali anno 801.
a Ennead. 8. lib. 8. in fine.
b In Annalibus Galie.
c Lib. 4. de rege no Italia.
d lib. 2. de Concil. cap. 18.

45 Wherefore when D. *Schulckenius* a little aboue affirmed, that I doe oftentimes graunt, that the people cannot in any case deny ciuill obedience to that Prince whom once they haue had, if his meaning be, that I doe graunt, that he who is once a Prince, can not of his owne accord leaue to be a Prince, and can not resigne his kingdome to the next heire, and that the people are bound to yeeld ciuill obedience to him, who was onct their Prince, but now of his owne accord, hath resigned his kingdome to the next heire, he doth greatly wrong me, and abuse his Reader; for to affirme this were foolish and ridiculous, and contrarie to all reason and practise: but that which I affirmed was, that it is very probable, and defended by many graue and learned Catholikes, that the people, who are subiect, can in no case, nor for any cause iudge or depose their Soueraigne Prince against his will, and my reason was the same, which Card. *Bellarmino* oftentimes vseth, to prooue that the

Church

Church, or a Generall Councell can not iudge or depose the Pope, for that it is contrarie to all reason for an inferiour or subiect to iudge his Superiour, and therefore those Catholikes that holde a *Generall Councell* may in some cases iudge the Pope, doe also holdeth that it is superiour, and above the Pope.

46 That the *Grecian* Emperours had the *Romane* Empire as forsaken and abandoned by them, I affirmed in these words: Seeing therefore that (as *Lupoldus*, or *Ludolphus* writeth, and diuers other Authors, as *Nauclerus*, *Aneas Siluius*, and *Michael Coccinius* doe insinuate) the Emperours of *Greece* in the time of *Charles* the great, and also before his time, to wit, in the time of his father *Pipine*, and of his grandfather *Charles Martellus*, did reigne in the *West* Empire only in name, neither could the Church of *Rome*, nor other Churches of *Christ*, or also any others, being by the *Longobards* vniustly oppressed in the same Empire haue iustice by them, or by their authoritie, and so the aforesaid Emperours had the *West*-Empire in a manner forsaken, by governing therein only in name, as it appeareth by diuers Chronicles, the Pope, Senate, and people of *Rome*, at leastwise by the tacite consent of all other *Westerne* men, who were subiect to the Empire, had euen according to the doctrine of *Cardinall Bellarmine* but now related, full right and power (which they could loose by no custome or translation of the Imperiall Seate, as being to them connaturall, and due by the law of nature) to choose themselves a new Emperour, and consequently to transfer the Empire, which the *Grecians* kept in the *Westerne* parts only in name, to *Charles* the great, and his Successours, the Imperiall Seate being in those parts at that time, as it were vacant, or without an Emperour. Thus I wrote in my *Apologie*.

c 20. 432.

47 And moreover, that the *Greeke* Emperours had the *Westerne* Empire and people for forsaken, and abandoned, and gaue, at leastwise, their tacite consent, according to that rule of the law, *qui tacet consentire videtur*, that they might choose to themselves another Emperour, at leastwise in power and authoritie, it is apparant, for that they did neuer repugne, contradict, or gainsay, that *Charles* the great should rule ouer them, although perchance it displeased them that hee should haue the name of Emperour. Yea, and as *Cardinall Bellarmine* himselfe writeth, when the Emperesse *Irene* heard, that *Charles* was called, and crowned Emperour by Pope *Leo*, shee did not onely gainsay, but also she would haue married *Charles*, and had done, if certaine perfidious Eunuches had not hindered her, as *Zonaras* and *Cedrenus* doe write in the life of the said *Irene*. Afterwards, *Irene* being dead, *Nicephorus* the Emperour, who did succede her, sent Ambassadors to *Charles* as to an Emperour, as writeth *Ado* in this Chronicle of the yeere 803. And a little after *Nicephorus* being dead, *Michael* succeeding him sent Ambassadors to

H

Charles,

Charles, who likewise did publicly honour him as an Emperour, as writeth Ado in his Chronicle of the year 810. All which doe sufficiently confirme, that the *Greeke* Emperours did not gainsay this translation, nor conceiue it to be a wrong done to them, and in preiudice of their Imperiall right and Soueraigntie.

48 By all which it is manifest first, that I doe not any wrong at all to the *Latin* Emperours, who haue bene, and shall be from the time of that translation, as though their Empire were not grounded vpon any sound title or foundation; for that all writers, and Cardinall *Bellarmino* himselfe doe agree in this, that the *Pope* together with the rest of the people haue power to choose them another Emperour, in case the Emperour will no longer reigne ouer them, because in that case the supreme temporall power and authoritie is onely in the people, or whole multitude, but rather Card. *Bellarmino* as also I obserued in that place, ^f doth call in question, and make doubtfull the right and title, which the *Latin* Emperours haue to the Empire, in that hee affirmeth, that they haue all their right and title from the *Pope* alone, seeing that there be many learned and graue Authours, who make a great doubt, whether the *Pope* alone hath, by the institution of *Christ*, any such power and authoritie to transfer Empires, but no Authour, not so much as Card. *Bellarmino* himselfe according to his doctrine, which I related in that place, doeth deny, that the whole multitude hath full power, and authoritie to transfer the Empire in the aforesaide case, to wit, when the Emperour doth abandon the Empire, and will no longer reigne ouer the people.

49 Secondly, it is also manifest, that I haue not any way contradicted my selfe in my answer, and that I haue cleerely prooued by Card. *Bellarmino*'s owne grounds, and by his owne Authours, that the aforesaide translation was done by the authoritie, decree, ordinance, and suffrages both of the *Pope* and of the people, and consequently that the people did more then onely request, applaude, and assent to that translation: to which D. *Schulckenius* maketh no answer at all: and therefore his silence herein is both an euident signe, that hee was not able to impugne my answer, and that although hee doeth so highly commend his owne booke of the translation of the Empire, as *exactly, soundly, and diligently written*, yet his owne conscience, for as much as concerneth this question, seeth now the contrarie; for that hee being so plainly conuicted both by his owne principles, and also by his owne Authours, and diuers others, that this translation was not done by the authoritie only of the *Pope*, as hee pretended to prooue in that his booke of the translation, but also of the people, hee was engaged for the sauing of his credit to haue in some sort cofuted my answer, but to passe it ouer cunningly with a *Dilemma* not belonging to the principall question,

question, and which was also fully satisfied by mee in that place, without setting downe any one word of my answer, and so omitting contrarie to his accustomed manner about twenty pages of my text together, doth argue no good and sincere proceeding. And lastly it is also manifest what the Reader may thinke of my *Aduersaries* sinceritie, who in this place doth so barely, and nakedly repeate againe this argument, without taking any notice of the answer, which in my *Apologie* I gaue to the same.

50 But the Empire of the West, saith Mr. Fitzherbert & was acknowledged by the Greeke Emperours themselves to be the Popes gift; and therefore Emanuel Commenus ^h Emperour of Constantinople in the time of Fridereke the first, vnderstanding of the dissention betwixt him, and Pope Alexander the third, sent Ambassadors to the Pope, and offered him not only a great army with great summes of money, but also to reniue the Greeke Church with the Latin, if hee would restore that Empire of the West to the Emperours of Constantinople.

51 But neither Emanuel Commenus, nor any other Greeke Emperour (although from the particular fact of some one Emperour, especially who was desirous to enlarge his Empire, no good argument can be drawne to proue a right) did acknowledge the Empire of the West to be the Popes gift, in any other manner, then they had read, or heard from Historiographers, to wit, that the Pope was indeede the chiefe and principall, but not the onely Authour of that translation. And therefore Blondus one of Cardinall Bellarmines owne Authours doeth well affirme it to be manifest, that the first translation of the Roman Empire from the Constantinopolitans to the French Princes was done by the authoritie and consent, not only of the Pope, Clergy, & people of Rome, but also by the suffrages of the people, and principall men of all Italie. Neither did Emanuel Commenus desire of Pope Alexander the third, that he alone without the consent, and suffrages of the Princes and people would restore the Empire of the West to the Emperours of Constantinople, but that he would be a meanes that it might be restored, or translated to them againe, as he was a chiefe meanes, and principall Authour that it was translated from the Grecians to the French.

52 In like manner, saith Mr. Fitzherbert, the second translation of the West Empire from the French (that is to say from the familie of Charles the great vnto the Germans) was made especially by the authoritie of the Sea Apostolike, as Card. Bellarmine prooueth cleerely in his *Treasure* of the translation of the Empire. If my *Aduersarie* had said, only by the authority of the Sea Apostolike, he had spoken to the purpose, but that word [especially] cleane ouerthroweth his argument: For I will not contend with him at this present, whether it was done especially by the authoritie of the Sea Apostolike, in that manner as I granted be-

h Blond. dec.
2. l. 1. Platina
in Alex. 3. Nau.
clerus generat.
39. pag. 848.

Blond. dec. 4. l.
1. 3. in principio.

Bell. l. 2. c. 2.
& 3.

fore, that the first translation from the *Grecians* to the *French* was done especially, chiefly, or principally by the *Popes* authoritie, but that either the first, or second translation was done only by the authoritie of the *Sea Apostolike*, and not also of the people, this I vterly deny: neither hath Card. *Bellarmino* in the aforelaid Treatise by any one sufficient argument prooued, or is able to prooue the same.

h Papyrius
Maso in vita
Henrici primi
See Bozius de
signis Ecclesie
lib. 10. cap. 12.

53 We read also, saith M^r. *Fitzherbert*, that *Clodoueus*,^k the first Christian King of France, being desirous after his Baptisme, to make good, and establish his right and title to that kingdom, professed to receiue the same from the hands of the Archbishop of Rhemes by authoritie and commission of the *Sea Apostolike*. But truly it is strange, to see what strange arguments, and void of all probabilitie my *Aduersaries* dare bring for prooue of so great a matter, as is the giuing, taking away, translating of Kingdomes and Empires. For what Historiographer euer wrote, that *Clodoueus*, the first Christian King of France, had no good right and title to his kingdom before he became Christian; or that hee receiued his title, right, and authoritie to reigne from S. *Remigius* by commillion of the *Sea Apostolike*, and that he himselfe professed as much, or that it belongeth to the Archbishop of Rhemes to choose the King of France, if we will speake properly of choosung, as though the Kings of France, were Kings by election, and not by hereditarie succession, or that the right and title which the Kings of France haue to their kingdom depended vpon the election of the Archbishop of Rhemes, or the *Sea Apostolike*? If my *Aduersarie* were in France, and would affirme thus much, I feare me, he would be glad to recant his doctrine in this point, or to interpret his words in a better sense, or else he might perchance, to vse his owne words, finde it to his cost.

54 Neither doth *Papirius Maso* affirme, as my *Aduersarie* and *Bozius* say, that King *Clodoueus*, or *Lewis the first*, did profess to receiue his kingdom, or his right and title thereunto from the hands of S. *Remigius* Archbishop of Rhemes by authoritie and commission of the *Sea Apostolike*, neither could he with truth profess the same, for that he was long before King of France, and had true right, and lawfull title to that kingdom, before he was baptized by S. *Remigius*; neither doth baptism make good rights and titles to temporall kingdomes, but as it deprieth no man of his temporall right and dominion, so it giueth no man any temporall right or dominion, but giueth him only a spirituall right, and maketh him heire to the kingdom of heaven. But all that *Papirius Maso* doth affirme is, that when *Philip* the first of that name being but seauen yeares old was by the Archbishop of Rhemes consecrated and elected future King of France, and to succcede his Father *Henry* then liuing, and present at his consecration, the Archbishop, after he had declared the Catholike faith unto him, and *Philip* had professed the same, and

taken

taken his oath to defend the Church, and his kingdome, taking S. Remigius staffe into his hands, did quietly and peaceably discourse, how the election and consecration of the King did belong chiefly to him, from the time, that S. Remigius did Baptize and consecrate King Lewis. Hee did also discourse, how by that staffe Pope Hormisdas gave to S. Remigius this power of consecrating, and the whole principalitie, or Primacie of France, and how Pope Victor did grant it to him, and his Church. Then his Father Henry beckoning, he chose him to be King after him.

55 This is all that *Papirius Maso* writeth: So that all the difficultie of these words consisteth in that word [election] which cannot be vnderstood properly, and for that election, whereby one is made King, or heire apparrant to the crowne, who was not King, or heire apparrant before the election: For the *Kings of France* before that time, and euer since haue their right, and title to the crowne nor by election, but by hereditarie succession, but it is taken for the religious ceremonie of consecration, and a solemne declaration of the *Archbishop*, that the person, whom he consecrateth, is chosen, or rather acknowledged, and accepted by the whole kingdome for King, or heire apparrant to the crowne. Neither doth the consecration and declaration, or if we will improperly call it election of the *Archbishop*, giue any more right, authoritie, or Soueraignitie to the King of France, then he had before, neither if hee were not consecrated, elected, or declared to be King by the *Archbishop*, should he want any temporall right, authoritie, or Soueraignitie, for that the *Kings* authoritie & Soueraignitie doth not necessarily depend on the *Archbishops* consecration, election, or declaration, although some of the vulgar sort of people may perchance imagine, that he is not a perfect King, before he be consecrated and annointed.

56 As likewise the Pope, after he is chosen by the *Cardinals*, is true Pope, and hath all Papall power, and iurisdiction, before he is consecrated or crowned Pope: neither doth his Papall authoritie necessarily depend vpon his coronation, which belongs only to a religious ceremonie, and a complementall, but not needfull, solemnitie. But this I vnderstand for this present only of those *Kings*, who haue their right, and title by hereditarie succession, and not of those, who are Kings by election, as is the *Romane Emperour*, and the King of *Polonia*. For it is a question among the Lawyers, whether the *Emperour* before he be crowned by the Pope, or by his commission is truly *Emperour*, and hath full Imperiall power, or no, whereof and from whence this may proceede I will not now dispute, and so it may perchance be a custome among the *Polonians*, that the King elect, is not accounted a complete and perfect King, before he be crowned, and consecrated by the *Metropolitans*; but this may proceede originally, and chiefly from the people or Kingdome, in whom the supreme Regall authoritie doth reside,

untill they haue chosen a King, in which time of vacancie they may extend, or limite his authoritie, or make him with what conditions they please, yea and if they will change the Monarchie into *Aristocratie*, or *Democratie*, which cannot be likewise said of those Kingdomes, which haue their Kings not by election, but by hereditarie succession, of whom that vulgar saying is verified, *that the King doth neuer die.*

57 Also when Boleslaus King of Polonia, saith Mr. Fitzherbert, had killed the holy Bishop Stanislaus, Pope Gregorie the seventh did not only excommunicate and depose him, but also commanded the Bishops of that Realme, that they should not annoint and crowne any King of Polonia without his expresse leave, and order, whereby he that succeeded Boleslaus had but the title of Duke, which remained also to his Successours for the space of two hundred and fiftie yeares. So as this matter is cleare not only in reason, but also in practise and so hath been for many ages, whereby it appeareth, that the Pope may gine as well the earthly, as the heavenly kingdome for the good of the Church, by the same reason, and power, that he may depriue Princes of their states, when they deserue it, and the good of the Church requireth it.

58 And thus thou (cast, good Reader, how probably this man Widdrington hath impugned the argument of Lessius, seeing that of foure arguments that he hath scoffingly framed to counterfeits the same, and to proue a bad consequence therein, there is not any one to his purpose, and some of them being truly vnderstood, and urged according to the true state of the question (which he hath changed in them) doe make directly for vs; so that his (scoffes doe fall vpon none but himselfe, and his owne ridiculous arguments; and therefore whereas he concludeth them with a gybing demand, asking, whether these, and the like are not goodly arguments to perswade the English Catholikes to cast away prodigally their goods, and to deny their fidelitie to their Prince? I may with much more reason demand of him, whether these and such other answers and arguments of his, are not goodly ones to mooue the English Catholikes to be so prodigall of their soules, as to cast them away vpon his word, by denying fidelitie, and obedience to their spiritual Pastour, who hath the charge of their soules.

59 But it seemeth that his minde and hand is altogether vpon his halfe penny (as the proverbe speaketh) seeing that he hath so great care of the Catholikes goods, and so little of their soules, that he would haue them venter and hazard their eternall saluation to save their temporall goods; but I hope God will inspire them to be wiser, and alwaies to remember the golden sentence of our Saviour, *quid prodest homini, &c.* What doth it profite a man to gaine all the world if he loose his soule? Thus Mr. Fitzherbert endeth this chapter.

60 But as for the example and practise of Pope Gregory the seventh, I doe freely acknowledge, that hee was the first Authour and

Writes

Writer that did in expresse wordes teach, that the *Pope* hath authoritie to depose temporall Princes, & also that he was the first *Pope*, who contrary to the custome of his *Ancestours*, as *Onuphrius* witnesseth, did practise the same, but first he did practise it, and then he endeoured to prooue, that he might lawfully doe it: since which time it hath indeede beene practised by many *Popes*: Neuerthelesse both the doctrine, and the practise was not knowne to the ancient Fathers, and also it hath euer beene resisted, and contradicted by Catholike *Princes*, and people both Diuines and Lawyers, and therefore it cannot rightly bee called the practise of the Church. And although the *Pope* might for sufficient cause command the *Bishops* of *Polonia*, that they should not consecrate any *King* without his expresse leaue, and order, it being onely a religious ceremony, yet it cannot bee sufficiently prooued, either that the *Pope* hath authoritie to depriue by way of sentence, (for of his power to depriue by way of command I doe not now dispute) any Countrey of the title and name of a Kingdome, without the consent of the Countrey, or of him to whom the Countrey is subiect in temporalls, it being no spirituall, but a meere temporall title, and therefore belonging to temporall, and not to spirituall power; or that the Successours of *Boleslaus* had onely the title of *Dukes*, for that the *Pope* depriued them by way of a iuridicall sentence of the title of *Kings*; but this might proceed either from the people themselves, who by reason of that heynous fact of *Boleslaus* (in killing that holy *Bishop Stanislaus* with his owne hands in the Church whiles he was saying Masse, and after he had miraculously cleered himselfe, by raising a man from death in open *Parliament* to giue testimony, whether he had iniuriously taken from that dead man certaine lands, or no, whereof he was falsly accused by the *King* in a publike assembly of the Realme) would not giue any longer that title of *Kings*; or for that the *Emperour*, to whom that kingdome was perchanse^m then feudarie, would not suffer them by reason of the execrable crime, to haue any longer that title of *Kings*, but onely of *Dukes*.

61 Wherefore neither by any sufficient reason; or approoued practise it can bee prooued, that the *Pope* as *Pope* hath power to giue earthly kingdomes for the good of the Church, or to depriue *Princes* of their states, although they should deserue it, and the good also of the Church should require it, which last supposition neuerthelesse is vnttrue; for that to depriue *Princes* of their temporall States is not necessary for the good of the Church, and the saluation of soules, as I haue shewed before; and although it were necessary, yet considering that it is a temporall or ciuill, and not a spirituall action, for what end soeuer we suppose it to be done, it cannot be performed by a spirituall, or Ecclesiasticall, but by temporall, or ciuill power.

b Li. 4. de varia
creat. Rom.
Pom.

m *Dulrauius*
l. 5. & *Aeneas*
Siluius, cap.
19. *Bohemix*,
who relateth
that in the
time of *Otho*
the first *Empe*
roure, the king-
dome of *Polonia*
was subiect
to the *Romane*
Empire.

62 And thus thou seest, good *Reader*, (to conclude this Chapter with my *Adversary*.) how soundly, and without any scoffing I haue confuted *Lesius* argument, and that generall *maxime*, whereon his consequence was grounded, by those *four* instances, which I haue heere examined, and cleerely prooued that they are all to the purpose, and doe not any whit alter the state of the question, but that my *Adversarie* himselfe in impugning them doth alter the case, and change the state of the question, or *medius terminus*, which *Lesius* vsed, and flyeth from his argument to others of his owne inuventing, wherein he discouereth his great ignorance in *Logicke*, and that therefore all those vnseemely nickenames of *absurd*, *impertinent*, *foolish*, *ridiculous*, and *malicious*, agree to none so much as to himselfe. All which being duly considered, I referre to the iudgement of any indifferent man, whether I had not reason, without any *cogging*, *scoffing*, *gibing*, or *malice*, (as my *Adversary* is pleased to vnburden his fowle and bitter stomacke) but with a sincere compassion of the miserable state of poore English Catholikes in soule, body, goods, and credit, (into which this man seeketh to draw them headlong) and with an earnest desire, that they should, according to our Sauours commandement, *Render to God and Cesar that which is their due*, to affirme by way of interrogation, that *these and such like reasons are no good arguments to mooue the English Catholikes prodigally to cast away their goods, and to deny their allegiance to his Maiestie.*

63 Neither is it my desire, that Catholikes should bee prodigall of their soules, or should deny their fidelitie and due obedience to their spirituall *Pastour*: neither is it true, that I haue greater care of their goods, then of their soules, or that I would haue them venter and hazard their eternall saluation to saue their temporall goods, as *Mr. Fitzherbert* (little caring what he saith, so that by his saying he may any way disgrace me) very vntruely, God forgieue him, affirmeth. For I doe chiefly respect, God is my witnesse, their eternall saluation, and I would haue them to render all due obedience both to their spirituall *Pastour*, and also to their temporall *Prince*, but my desire is, that they will sincerely consider, that not onely in denying spirituall obedience to their spirituall *Pastour*, but also in denying temporall allegiance to their temporall *Prince*, they doe venter and hazard their eternall saluation, for that they are bound by the expresse commaundement of our Sauour, and vnder paine of eternall damnation, *to render both to God and Cesar that which is their due.* But it seemeth that my *Adversaries* minde is all vpon the *Pope*, and little vpon his *Prince*, seeing that he hath so great care to enlarge the *Popes Monarchie*, and so little to maintaine his *Kings Souerainetie*, but I hope God will inspire English Catholikes to be wiser, and not to runne headlong on either side: but

to examine and weigh their temporall and spirituall fidelity with an equall ballance, and to consider, that they may as well offend and hazard their saluation in giuing too much as too little to their spirituall *Pastour*, as also in giuing too little, as too much to their temporall *Prince*.

64 Wherefore my humble request to English Catholikes is, that seeing this controuersie of their temporall and spirituall obedience, betweene their temporall *Prince*, and spirituall *Pastour* doth so neerely concerne their eternall saluation, they will not venter their soules vpon any mans bare word, nor giue credit either to my sayings, or the sayings of my *Aduersaries* without examining sincerely the reasons on both sides, and the substance and manner of both our writings, and diligently considering how farre forth they are bound to obey the command of their spirituall *Pastour*, when it is only *declarative* and grounded vpon no *sure definition*, against the commandement of their temporall *Prince*, who is in lawfull possession of his kingdome, from which the *Pope*, the matter being as yet in controuersie, and not decided, pretendeth to haue power to exclude him. For neither ignorance, nor pretence of zeale to the *Sea Apostolike*, can now in my opinion excuse them from not examining what duty they owe both to their spirituall *Pastour*, and also to their temporall *Prince*, and to what things both their temporall and also spirituall obedience doth extend; for now they hauing so many and so sufficient causes prudently to doubt (both in regard of so many bookes that haue beene written, and also of the strange carriage of my *Aduersaries* in commanding me to purge my selfe vnder paine of Censures, and not telling of what, and forbidding my bookes, and not declaring for why, although I haue often desired to know some one particular thing whereof I should purge my selfe, or which is blame worthy in my bookes, faithfully promising to purge whatsoeuer is to be purged, and to recall whatsoeuer I haue written amisse) they are bound according to the doctrine of all Diuines to examine the truth, so farre forth as the learning and capacitie of euery man will permit, otherwise their ignorance will bee wilfull and damnable, and their zeale, albeit they shall thinke to doe *God* good seruice, will be *Pharisaicall*, sinfull, and inexcusable; and therefore I hope they will be wiser, and not suffer themselves to bee carried away hoodwinked with blinde obedience, which is most dangerous, when their obedience to man may be a disobedience to *God*, but that they will alwaies remember that golden sentence of our Saviour, *Render to Caesar the things that are Caesars, and the things that are Gods, to God.*

C H A P. IIII.

wherein Widdringtons Interpretation of that clause of the oath, wherein the doctrine [that Princes who are excommunicated or depriued by the Pope may be deposed, or murdered by their subiects, or any other whatsoeuer] is abiured as impious and hereticall, is prooued to be sound and sufficient, and is cleared from all absurditie and contradiction euen by Mr. Fitzherberts owne examples, and that it may without periuirie be sworne by any Catholike.

ALl that Mr Fitzherbert obiecteth in this Chapter I haue aboue in the end of the second part of this Treatise fully, and verbatim already confuted, and therefore I thinke it superfluous to re-peate here the same againe.

C H A P. V.

wherein Widdringtons answeres to all Mr. Fitzherberts arguments taken from the law of God, both in the old Testament and also in the new are prooued to be truly probable and sincere, and no way fraudulent, or contrarie to his owne doctrine.

BEcause this Chapter will be somewhat longer then the rest, for that my Adversarie hath scraped here together many authorities out of the law of God, especially in the old Testament to prooue, that the spirituall power not onely in the new law, but also in the old hath euer been the supreme power on earth, and might chastise Princes temporally, and not onely command, impose and enioyne temporall penalties, but also dispose of temporals, and inflict temporall punishments, I thinke it not amisse to diuide it into three parts or sections. In the first I will treat especially of those authorities, which he hath brought out of the olde law before the institution of the Kings of Israel. In the second I will confute those examples, which he ledgeth out of the said olde Testament since the institution of those Kings; and in the third I will examine those texts of holy Scripture, which he hath taken out of the new Testament.

wherein

S E C T. I.

wherein all the authorities which are brought out of the olde law are confuted in generall by the doctrine of Card. Bellarmine and other learned Divines, also the arguments taken from that place of Deuteron. 17. Si difficile & ambiguum &c. and the examples of Eleazar and Iosue, and from the difference of the sacrifices to be offered for Priests and Princes, together with the testimonies of Philo, Theodoret and Procopius are answered in particular.

First therefore Mr. Fitzherbert in his fift chapter pretendeth to prooue, that Widdringtons answer to his arguments deduced from the law of God is confuted by the expresse words, and text of the Supplement, and proved to be not onely improbable, but also fraudulent, in that he dissembles the whole substance, and part of Mr. Fitzherberts discourse, for so is the title of his fift Chapter, and then he proceedeth thus: *My Adversarie Widdrington having trifled, as you have heard, in the precede Chapters, goeth forward no lesse impertinently in these words, » Quarto si quis &c. Fourthly, if a man doe attentively read over Mr. » Fitzherberts discourse, he shall most clearly see, that he hath effectually » ly prooved nothing else out of the Law either of God, or of Nature, » but that the temporall power in spirituall things, and in temporall (as » they are reduced to spirituall) is subiect to the spirituall power, so » farre forth as concerneth commandement, and a spirituall manner of » correction, and not temporall. So Widdrington.*

2 *Wherein he seemeth to acknowledge, as you see, that I have effectually prooved by the law of God and Nature, that the temporall power is subiect to the spirituall, so farre forth as concerneth the authoritie to command, though not to punish temporally; meaning, that the spirituall power may command temporal and corporall things so farre forth as they are to serve the spirituall (for so you have heard him also confesse before^a) and that it may punish spiritually (that is to say, by the way of spirituall censures) but no way temporally; wherein I wish to be observed what he granteth, and what he denyeth, for of his grant will easily follow the confutation of his denyall, as I have partly signified before^b, and will shew more amply^c, when I shall have first examined how true it is, that I have prooved effectually nothing else, but that which he mentioneth. For to this purpose it is to be considered what I have debated concerning the law of God in my Supplement, where I said thus.*

^a See before

chap. 2. nu. 1.

& 2.

^b Chap. 2. nu. 1.

2. 9. & 10.

^c Chap. 6. nu. 14.

15. & seq.

See Supplement.

chap. 2. nu. 10.

3 First, I will speake of the law of God, which if it be considered, as it is a written law, is diuided into the law of Moyses, and the law of Grace deliuered by our Saniour Iesus Christ; and allent the law of Moyses (for so much as concerneth the iudiciall and ceremoniall part thereof) doth not bind vs Christians, yet I will make it manifest, even by that law, that the spirituall power was then the supreme power on earth, and commanded all temporall authoritie, yea and that it might and did chastise Princes temporally when it was necessarie for the glorie of God, and the good of the Church. This appeareth by the law of God set downe in Deuteronomy, &c. Thus Mr. Fitzherbert.

4 But whether he or I haue trifled in the precedent Chapters, you haue already seene; and howimprobably he hath prooued my answere to his arguments to be improbable or fraudulent, and hath confuted it by my owne doctrine, as he vainly braggeth. you shall presently perceiue. And first Mr. Fitzherbert endeauoureth to confute my answere as improbable, wherein I said, that he hath prooued effectually nothing else by the law of God, but that the temporall power in spirituall things, and in temporall, as they are reduced to spirituall, is subiect to the spirituall power, so farre forth as concerneth commendement, and a spirituall manner of correction, and not temporall: to which purpose he maketh a long and tedious repetition of that discourse, which he made in his Supplement concerning the law of God, especially in the old Testament, pretending, forsooth, to make it manifest even by that law, that the spiritual power was then the supreme power on earth, and commanded all temporall authoritie, yea and that it might and did chastise Princes temporally, when it was necessarie for the glorie of God, and the good of the Church.

5 First therefore to all the arguments, which either my Adversarie here hath brought, or any other can bring to conuince, demonstrate, or prooue effectually, that the spirituall power in the old law was the supreme power on earth, and might and did chastise Princes temporally in order to spirituall good, it is sufficient to answere in general, that the contrarie doctrine, to wit, that in the old law the temporall power and not the spirituall was supreme, and that the spirituall power was subiect to the temporall, is maintained by many famous, and most learned Catholike Diuines, whose opinion in this point Mr. Fitzherbert dare not presume to condemne as temerarious and improbable, albeit my answere, which is agreeable to their doctrine, hesticketh not to call improbable. For so teacheth S. Bonauenture, a man otherwise addicted to the Popes temporall Monarchie, In the old Testament, saith he, the Priesthood was subiect to the kingdome, and therefore Kings then had power to remooue the high Priests from their office, as Salomon remooued Abiathar. The same teacheth S. Thomas, or whosoever

S. Bonauentura
lib. 2. de Eccle-
siahierarch.
cap. 1. & in 4.
dist. 24. in li-
tera.
S. Thom. lib. 1.
de Regim. Prin.
cap. 14.

is the Author of that booke *de regimine Principum*. Whereupon Card.

Bellarmino himselfe writeth thus, *It is not improbable, that in the olde Testament the King was absolutely greater then the high Priest, both for that so teacheth S. Thomas in his first booke de Regimine Principum cap. 14. and also for that in the old Testament the promises were temporall, and the sacrifices carnall.*

Bell. l. i. c. 14. in
Tract. de potest.
Sum. Pont. con-
tra Barla.

6 The same also do teach *Alphonſus Toſſatus Abulenſis*, ^d a man most renowned, saith Card. Bellarmine for holinesse and learning, *Ioannes de Turrecremata* ^e *Franciscus Victoria*; ^f *Antonius Corduba*, & *Ioannes Salas*, ^h and *Burgenſis* ⁱ all of them most famous Diuines. You must also know, saith *Abulenſis*, that *Salomon* had power to kill *Abiathar*, although he was the High Priest, for that in the old Testament the Ecclesiastical power was not distinct from the Secular power (to wit in punishments for great crimes) but Priests were directly subiects to the King as Lay men. Also there was not a distinction of punishments for Priests and Lay men, but in enormous crimes the sentence of death was common to all: and because *Abiathar* had committed treason, hee was to be put to death, unless *Salomon* would pardon him. And that Priests were subiect to Lay men it appeareth *Numer. 27.* where God said that *Eleazar*, who was the high Priest, and the rest of the Israelites were subiect to *Iosue*, as it hath bene more declared *Iosue 3.* but *Iosue* was a secular Prince, to wit, of the tribe of *Ephraim*. Thus *Abulenſis*.

Card. Bellar. de
Script. Ecclef.
pag. 410.
d. q. 28. in c. 2. l.
3. Regum & q.
48. c. 27. num.
e. In sum. de
Ecclef. l. 2. c.
96. ad 4. & c.
obedientiam.
dest. 93. q. 2. ad 2.
f. Reiech. 1. de
potest. Ecclef.
cited by Cor-
duba & Salas.
g. 4. a quest. q. 5.
ar. 2. ff. ad l. l.
h. q. 95. de leg.
sec. 21.

7 And by this the Reader may easily perceiue, how ignorant by my vnlearned *Aduersarie* taxeth my anſwere of improbabilitie, and impertinencie, which neuerthelesse is most conformeable to the doctrine of so many famous and learned Catholike Diuines, and which *Cardinall Bellarmine* himselfe holdeth for not improbable, and how vainely hee braggeth, that hee will make it manifest even by the law of *Moyſes*, that the spiriual power was then the supreme power on earth, and commandad all temporall authoritie, yea and that it might and did chastise Princes temporally, whereas so many famous, and learned Diuines, whose doctrine this ignorant man feareth not to call improbable, doe resolutely hold, that in the olde Testament the high Priests were subiect to Kings, and that the temporall power was superiour to the spiriual, and might remooue the high Priests from their office, and punish them temporally, if they should desert it.

i. In Addit. ad
Nic. de Lyra
1. Pet. cap. 2.

8 But let vs examine in particular the manifest proofes, which this man deduceth from the Law of God in the old Testament. His first, and principall proofe is taken from that which is written in the 17. chapter of *Deuteronomie*. This appeareth, saith he, ^k by the law set downe in *Deuteronomie*, wherein it is ordained expressly, that the highest tribunall for iudgement, not only for spiriual, but also for political, and temporall cau-

pag. 70. num.
345.

ses, should be in the hands of the high Priest. The words of the law are these. *Si difficile, & ambiguum apud te iudicium esse perspexeris, &c.* If thou perceiue that the iudgement with thee be hard, and doubtfull, betweene bloud, and bloud, cause and cause, leprosie; and not leprosie, and thou seest that the words of the Iudges within the gates doe varie, arise and goe vp to the place, which the Lord thy God shall choose, and thou shalt come vp to the Priests of the Leuitical stock, & to the Iudges that shall be at that time, and thou shalt aske of them, who shall shew thee the truth of the iudgement, and thou shalt do whatsoeuer they that are Presidents of the place which our Lord shall choose, shall say, and teach thee according to his Law; and thou shalt follow their sentence, neither shalt thou decline to the right, nor to the left; but he that shall be proud refusing to obey the commandement of the Priest, which at time ministreth to our Lord thy God, that man shall die by the decree of the Iudge, and thou shalt take away the euill out of Israel, and the whole people shall feare, that none after swell with pride.

9 These are the words of the Law of God in Deuteronomie, wherein it is to be noted, that albeit there be here mention made of the Iudge to be consulted together with the Priests (which some of the Aduerfaries take to be a temporall Iudge, though he may very well be understood to be the high Priest, who was supreme Iudge in the Councell of Priests) nevertheless I say, that albeit he were a temporall Iudge, yet it is euident, that the finall decision of the doubts, and controuersies in that Consistorie, and consequently the supreme authoritie resided in the high Priest; seeing that the said Iudge, if he were a different person, was no other then Minister, either to see the high Priests commandement executed, or to ordaine, and decree the punishment of those, who should disobey him; if being ordained in the Law; that he who should be so proud, as to disobey the commandement of the high Priest, should die by the decree of the Iudge. So that it belonged to the high Priest absolutely to command, and to the Iudge to giue sentence of death against the transgressors of his commandement; besides that, &c.

10 But first obserue, good Reader, the corrupt proceeding of this man, who to proue his purpose doth falsely, and otherwise then they are in the vulgar Edition alledge the words of holy Scripture. For although the Councell of Trent hath denounced anathema against all them, who shall not receiue for sacred and canonicall the entire bookes of holy Scripture with all their parts, as they are accustomed to be read in the Catholike Church, and are extant in the ancient vulgar Latine edition; and hath ordained and declared, that this ancient and vulgar Edition, which by long custome of so many ages hath beene approved in the Church, shall be retained for Canonicall in publike lessons, disputations, sermons, and explications, and that no man shall dare, or presume to reiect it vnder any pretence: for which cause the said Councell hath moreover ordained, that here-

after

after the holy Scripture, and especially this ancient and vulgar Edition shall be printed, very correctly, which Decree of the Councell Pope Sixtus the fifth. undertooketo execute, printing that *vulgate Edition* in the *Vaticane*, and by a speciall Bull prefixed to the beginning thereof, commanded that all men should take that and none other for holy Scripture, which Edition, because sundry errours were found therein, Pope Clement the eight printed more correctly: Neuerthelesse Mr. Fitzherbert is not afraide to cite contrary to the said decrees this place of holy Scripture otherwise then it is found in the *vulgate Edition*.

11 For whereas in the *vulgate Edition* wee reade thus; and thou shalt come to the Priests of the Leviticall stocke, and to the Iudge that shall be at that time, Mr. Fitzherbert translateth it, and to the Iudges in the plural number. But which importeth more, whereas the wordes following a little after are thus in the *vulgate Edition*: But he that shall be proud refusing to obey the commandement of the Priest, which at that time ministereth to our Lord thy God, and the decree of the Iudge, that man shall die, and thou shalt take away, &c. Mr. Fitzherbert with small respect to the aforesaid Decrees, citeth the wordes thus: But he that shall be proud, refusing to obey the commandement of the Priest, which at time ministereth to our Lord thy God, that man shall die by the decree of the Iudge, and thou shalt take away, &c. So that the sentence of death is in this place denounced by the expresse appointment of God, not onely against him, who shall not obey the commandement of the Priest, but also against him, that shall not obey the decree of the Iudge.

12 Now whether this Iudge was a temporall, or a spirituall Iudge, and if he was a temporall Iudge, whether he was subordinate to the High Priest, or no, it is a controuersie among Catholike Diuines, Mr. Fitzherbert affirmeth, that this Iudge may very well be vnderstood to be the High Priest himselfe, who was the supreme Iudge in the Councel of Priests, and albeit he were a temporall Iudge, neuerthelesse, I say, saith Mr. Fitzherbert, it is euident that the final decision of doubts and controuersies in that consistory, and consequently the supreme authoritie resided in the High Priest, seeing that the said Iudge, if hee were a different person, was no other then a Minister, &c.

13 But albeit this Iudge may be vnderstood to be an inferiour spirituall Iudge subordinate to the high Priest, as *Abulenſis* affirmeth vpon that place, and not the high Priest himselfe, by reason of the conjunction copulatiue [and] but he that is proud refusing to obey the commandement of the high Priest, and the decree of the Iudge, which conjunction [and] saith *Abulenſis* denoteth the Iudge to be a different person from the high Priest, neuerthelesse this Iudge may also be very well vnderstood to be a temporall Iudge, and in temporall causes independent on the high Priest. And truly the reason, which Mr. Fitzherbert bringeth

eth to prooue, that this Iudge if he were a temporall Iudge, was onely a Minister of the high Priest, is of small force, for that to prooue the same, he alledgeth, as you haue seene, the words of the holy Scripture otherwise then they are in the *vulgate Edition*, seeing that it is onely ordained in the law, that he who should be so proud as to disobey the commandement of the high Priest, and the decrees of the Iudge, should die, those words [by the decree of the Iudge] are neither in the Hebrew, nor in the *vulgate Edition* declared so to be by Pope Sixtus and Clement: And therefore Mr. Fitzherbert must not take it ill, if I giue no credite to his bare, *I say*, and that I doe preferre the exposition of the Glosse of Nicolaus de Lyra vpon that place, who affirmeth, that this tribunall, to which in doubtfull cases the Iewes were bound to haue recourse, did consist both of spirituall, & of temporal power, and that the one was independent on the other, before his bare *I say*, which is onely grounded vpon a false allegation of the words of the holy Scripture.

14 The words of the Glosse vpon that place are these: *Hic agitur &c.* Here it is treated, sayth he, of superiour Iudges, to whom there ought to be made recourse in doubtfull and difficult matters: and some things are put for example: when it is said, betwene blood and blood, that is, when one part of the Iudges doe say that the shedding of blood of such a man is to be punished with death, because it is reduced to wilfull murder, an other part saith no, because it is to be reduced to chance-medy: Cause and cause, to wit, when one part of the Iudges saith, that the cause of the plaintiff is iust, and an other, the cause of the defendant: Leprosie and not leprosie, to wit, when one part saith, that the disease of such a man is leprosie, and an other saith it is not. Arise and goe vp &c. In these cases and such like there must be had recourse to superiour Iudges, to wit, to the high Priest, and to the Iudge of the people of Israel. And sometimes it happened, that both offices did concur in one person, as it is manifest in Hely, who was Iudge, and high Priest of the people. 1. Reg. 4. but more commonly they were distinct persons, as also offices. Therefore this recourse may be understood to both ioyntly; and this was in causes, which could not be decided by one without the other, as in the building of the temple, which could not be performed without Kingly authoritie, nor ordered without the direction of the Priest; or severally to both, that in spirituall causes there should be recourse to the high Priest, and in temporalls to the Iudge. And from this grew the custome, that from inferiour Ecclesiasticall Iudges there is made appeals to the chiefest Bishop, and from inferiour Princes, and Secular Iudges to the King, or Emperour. Thus writeth the Glosse, whose doctrine in this point Mr. Fitzherbert will neuer be able to prooue to be improbable.

15 But secondly, although I should for Disputation sake grant Mr. Fitzherbert, which he is neuer able to conuince, that this tribunall, Consistorie, or Councell, to which in doubts and difficulties of the law,

when

when the Iudges within the gates doe not agree, the Iewes ought to haue recourse, did consist only of *Priests*, and not of temporall, but of spirituall *Iudges*, and that the *Iudge* mentioned in this place they ought obey, was either the high *Priest* himselfe, or rather some other inferior *Priest* subordinate to him, neuertheless he can not prooue from hence, as he pretendeth, that the highest tribunall for iudgement, not only for spirituall, but also for politicall and temporall causes, was in the hands of the high *Priest*. For all that is ordained for the *Priests*, and *Iudges* to do in this place of *Deuteronomie*, is only to decide, determine, and declare the doubts and difficulties of the law, to whose commandement and decree euery man was bound by the expresse law of God vnder paine of death to stand; but to decide and declare what is the law of God, & to instruct the people therein, and to command the people to obey their declaration, instruction & commandement, is not a temporall, but a pure spirituall cause, as well obserueth *Abulenſis* in cap. 11. *Nam* q. 12. 3. & 24. & in cap. 13. *Exodi*. q. 5. 8. & 11.

16. And what Catholike man will deny, that the spirituall Pastours of the Church of *Christ* haue also authoritie to declare and determine what is the law of God, when any doubt or difficulty shall arise, and to command all Christians, euen temporall *Princes*, who are subiect to them in spirituals, to obey their decree and determination: and yet from hence it can not be rightly inferred, in that manner as my *Aduersarie* from those words of *Deuteronomie* would conclude, that the highest tribunall for iudgement in the new law, not only for spirituall, but also for politicall, and temporall causes is in the hands of the chiefe spirituall Pastour; for that to decide, and determine, what is the law of *Christ*, and to command Christian *Princes* to obey their decision and determination is not a temporall, but a meere spirituall cause.

17 But if my *Aduersarie* had prooued, as he hath not, that the *Priests* of the old law had authoritie, not only to interpret the law, and to command the people to follow their interpretation, but also to pronounce the sentence of death, and to execute the same against those who should not obey their declaration and decree, then hee had said something to the purpose, for to inflict temporall punishments, and to pronounce the sentence of death, and to execute or inflict the same for what crime soeuer it be either temporal or spiritual, is a temporal & not a spiritual actiō: I say to inflict temporall punishments, &c. For, as I haue often said, to impose, or enioine temporall punishments, and to command temporall *Iudges* to do iustice according to the law, by punishing malefactours with corporall death, if it be so ordained by the law, may, if it be done for a spirituall end, be a spirituall actiō, & belonging to the authority of spirituall Pastors. Neither can my *Aduersarie* prooue, that the *Iudges*, who was to giue sentence of death against those, who either did not

obey the commandement of the Priest and the decree of the Iudge, or committed any other crime worthie of death by the law, as blasphemie, adulterie, Sodomie, &c. was either a Priest, or a temporall Iudge who had his authoritie deriued from the high Priest, as he was a Priest; I say, as he was a Priest, for that sometimes the chiefe temporall Iudge, as I obserued before out of the Glosse, was also a Priest, as in the time of Hely, Moyses, and the Machabees; and then he had authoritie to giue sentence of death, not as he was a Priest, but as hee was a temporall Prince, or Iudge.

18 Wherefore to little purpose is that which Mr. Fitzherbert immediately addeth; Besides that, saith he,^m afterwards God commanded the people exactly to obey the Priests, without mention of any other Iudge, threatening to punish them him selfe, in case they should transgresse the same, saying, Obserua diligenter, &c. Obseruediligently, that thou incurre not the plague of Leprosie, but shalt doe whatsoeuer the Priests of the Leuitical stocke shal teach thee, according to that which I commanded them, and doe thou fulfill it carefully. So said Almightye God. And to mooue them the rather to this exact obedience, which he commanded, he added presently; Remember, what our Lord God did to Mary in the way, when you came out of Egypt, that is to say, how severely God punished Mary the Prophetesse, & sister to Moyses for her disobedience to him, & was stricken with leprosie for the same, by which example Almightye God did notably inculcate vnto the people the necessitie of their obedience to the Priest. And the danger of his indignation, and severe punishment, which they should incurre by neglecting their dutie therein. Thus said I in my Supplement, and hauing prooued afterwards most ⁿ amply, that God gave also to the high Priest not only a souerainitie of authoritie, but also an infallibilitie of doctrine & iudgement in causes of doubt: and controuersies, euen of temporall matters, and hauing also shewed the great priuiledges of the Leuites and Priests, who were separated wholly, &c.

19 But what followeth from all this? No man maketh any doubt, but that the Priests of the old law were to be obeyed in those things, wherein they had authoritie to comand, as like wise neither Mr. Fitz. can make any doubt, but that the comendement of the temporall Prince, or Iudge was exactly to be followed in those things, wherein they had authoritie to command. True it is, that the Priests were the chiefe interpreters of the law of God in the old Testament, according to those words of the Prophet Malachie; The lippes of the Priest shall keepe knowledge, and the law they shall require of his mouth, because he is the Angell, or Messenger of the Lord of Hosts; and that it belonged to the Priests to declare whether one was infected with leprosie or no; But from hence it can not rightly be concluded, that it belonged to the Priests, as they were Priests, but to the temporall Iudges of the people,

or

in Pap. 71.
nu. 6.

Deut. 24.

n Num. 12. 13.
24. 15. 16. 17.

Malach. cap. 2.

or to the children of Israel, that is, the whole multitude, from whom the temporall *Judges* had commonly their election and authoritie, to giue sentence of death, and to inflict any temporall punishment appointed by the law: And therefore, although God ordained *Leuit. 13.* that *Aaron*, or any one of his sonnes should declare and iudge, who was infected with leprosie; and after his declaration and iudgement that he was a leaper, he should be separated, yet it belonged to the children of Israel, not as they were ministers of the *Priests*, but of God, who was their King, and ordained that punishment, to separate him, and cast him out of the campe, according to that of *Num. 5.* And the Lord spake to *Moyse*, saying, Command the children of Israel that they cast out of the campe every leaper, and whoeuer hath a flux of seede, and is polluted vpon the dead, as well man, as woman, cast ye out of the campe.

20 So likewise it belongeth to the *Priests* of the new Law, to declare what is the Law of *Christ*, and to iudge what is heresie, vsurie, or any other crime forbidden by the law of *Christ*, and to command temporall *Princes* to roote out hereticks, vsurers, and such like malefactors, by the meanes of temporall punishments, for all this doth not exceede the bounds of spirituall authoritie: but it doth not belong to the *Priests* of the new law, as they are *Priests*, to giue sentence of death, or to punish temporally heretikes, vsurers, or any other malefactours by inflicting temporall punishments, but only to temporall *Princes*, who haue in their hands and power the sword of life and death, and who therefore, as I obserued out of *Bannes*, may pardon sometimes the punishment of death, and punish heretikes in some other manner.

21 And therefore to as little purpose also is that, which *Mr. Fitzherbert* next adioyneth, that God gaue also to the high Priest an infallibilitie of doctrine, and iudgement in causes of doubts, and controuerfies euen of temporall matters. For I willingly grant, that the high *Priests* of the old Testament had an infallibilitie of doctrine, and iudgement at least wise for many yeares together in doubts, and controuerfies euen of temporall matters, which could not be determined by the law, yea and a greater infallibilitie of doctrine and iudgement, then is now in the new law, in doubts and controuerfies of particular facts, as whether they should ouercome in such a warre how such an inheritance of particular men was to be deuided, &c. Either because, as well obserueth *Abulenſis*, the high Priest did iudge in the presence of some Prophet, to whom the truth was reuealed by God, or because they did know the secrets of things by the plates of the *Priests* vestement, which was called the rationale, wherein was contained doctrine, and truth, whereof we haue treated saith *Abulenſis* *Exod. 28.*

22 Or thirdly, as the same *Abulenſis* obserueth, when the high Priest consulted our Lord about any thing by entering into the Sanctuary in the day

o Disputat.
Theolog. ca. 7.
sec. 2. nu. 17.
Baunes 2. 2. q.
11. ar. 4. q. 1. in
fine.

Abulenſis q. 3.
in 17. Dist. in
fine.
Abulenſis q. 19
in cap. 32. lib. 1.
Reg. & in Dr.
senfor. part. 2
cap. 41.

of Expiation, which happened but once a yeere; for on that day the Priest did speake vnto our Lord within the Sanctuary, and did heare him speake in the Propitiatory, as hath beene declared, Leuit. 16. For therefore it was commanded, that at what time the high Priest did enter into the Sanctuary, no man should be in the Tabernacle, to wit, least he should heare those things, which were spoken in the Sanctuary. Thus *Abulenſis*; none of which wayes to finde out the truth infallibly in any doubtfull matter is ordinarily granted to the Priests of the new Law. Neuerthelesse it can not from hence bee sufficiently concluded, that the high Priests of the old Law had a soueraigntie of temporall authoritie, or in temporall things, but onely in spirituall, for that, as well obserueth the saide *Abulenſis*, & to instruct in the questions of the Law, and to consult almighty God, was a spirituall thing.

p Q. 23. in cap.
11. Num.

q Supra nu. 6.

Q. 10. in 9.
Leuit.

23 But that, which Mr. Fitzherbert immediately addeth, that the Levites, and Priests were separated wholly from temporall and ciuill state in such sort, that they had no dependance thereon, is very true, and Cardinal Bellarmine himselfe acknowledgeth the contrarie to bee probable. For, as I aboue obserued out of S. Bonauenture, S. Thomas, *Abulenſis*, and many other learned Diuines, in the Olde Testament the Priesthood was subiect to the Kingdome, and Priests were directly subiect to the King, as Laymen were, to wit, in temporalls, as it appeareth, saith *Abulenſis*, Num. 17. where God said, that Eleazar, who was the high Priest, and therest of the Israelites were subiect to Iosue, who was a Secular Prince, to wit, of the tribe of Ephraim, yea and in the time of Moses, Aaron, who was the high Priest, was in temporalls subiect to Moses, and for that cause called him his Lord, Exod. 32. although in spiritualls Aaron was greater then Moses, Moses, saith *Abulenſis* (expounding those words of Leuit. 9. and Aaron stretching forth his handes to the people hee blessed them) was in temporalls greater then Aaron, because hee indged the whole people, as it is contained, Exod. 18. Chap. and he commanded the people those things, which they ought to doe. But in spiritualls Aaron was simply greater then Moses. For Aaron was the high Priest, but Moses one of the simple Levites. Also because Aaron had directly a right to minister, but Moses had onely this for want of Priests, but this hee had not by any order, or ordination. And if thou say, that Moses was greater then Aaron, because hee commanded him to doe these sacrifices, and whatsoever he did, I answer, saith *Abulenſis*, that it is not inferred from this, because Moses did not therefore command these things, as hauing authoritie to commaund by some Prelacie, or Order, but because hee was the messenger of God, relating those things, which God had commanded; whereupon it is not properly said that Moses did commaund, but that hee did declare the things to be done.

24 But if thou yet object, that Moses was greater then Aaron, because

cause Moyses did consecrate Aaron. It is answered, saith Abulenſis, that it is not deduced from this: for therefore Moyses did consecrate Aaron, because there was no high Priest that could consecrate him, nor also then any inferior Priests, for that as well the high Priest, as the inferior Priests were consecrated: and yet neuertheless this consequence is not of force, this man doth consecrate that man, therefore hee is greater then hee. For the Pope is consecrated by a Cardinall Bishop of Hostia, who is inferior to the Pope, and after his consecration the Pope doth command him that consecrated him. So also it happened among the high Priests in the Olde Testament. For except the consecration of Aaron, which was done by Moyses, who was no Priest (to wit by ordination, but onely by the speciall privilege of God, as the same Abulenſis declareth q. 7. in cap. 17. Exodi) and except the consecration of Eleazar, which was done without any ceremonies, as we shewed at large, Exod. 19. all the later consecrations of the high Priests were done by inferior Priests: therefore Moyses was not greater, for that he consecrated Aaron, but Aaron was greater; and because, as the Apostle writeth, Hebr. cap. 7. alwaies the lesſer is blessed by the greater, it was fit that the blessing over the people should be done by Aaron. Thus Abulenſis. See him also q. 2. in cap. 2. Num.

25 Now Mr. Fitzherberts next argument is as insufficient as the former. I added further, saith he, ^{concerning the power and authoritie of} the high Priest in temporall things, that whereas both the dignities, spiritual, ^{1 Tag. 71. may} and temporall, were sometimes in one person, as in Moyses, Heli, and the Machabees, and sometimes disioyned in distinct, and severall persons, as in the time of Iosue, the Iudges, and the Kings, it is manifest, that when they were severed the spiritual was alwaies superiour, as it may appeare by the commandment of almighty God to Moyses, when he bad him take Iosue, ^{Num. 17.} and lay his hands upon him before Eleazar the Priest, and all the multitude, and give him part of his glory, and that Eleazar should consult wth God all the affaires of Iosue, concluding *Ad verbum illius egredietur, &c.* according to his word (that is to say, the word of Eleazar) Iosue shall goe out, and shall goe in, and all the children of Israel with him, and the rest of the multitude. Wherein Theodoret observeth, that God commanded ^{Theodoret.} Moyses to distribute his honour, or dignitie betwixt Eleazar, and Iosue, yet ^{q 48. in Num.} so, that Iosue should alwaies learne of Eleazar. what he was to doe; whereby it appeareth, that Iosue was to be directed by Eleazar in all affaires touching the civill government, which is sufficiently expressed by those words, *Ad verbum illius egredietur, & ingredietur*, Iosue shall goe out, and in at the word of Eleazar.

26 But truly I am ashamed to see the extreame boldnesse of this my vnlearned Adversary, when I call to minde what silly arguments he hath scraped together to make it, forsooth, manifest by the Law of God in the Olde Testament, that the spiritual power was then the supreme

Abulenſis q.
16. inc. 3. Iosue.

power on earth, and might and did chaſtiſe Princes temporally. For this very text of holy Scripture, which M^r. Fitzherbert bringeth to prooue, that Eleazar was Superiour to Iosue, learned Abulenſis doth interpret cleane contrary, and bringeth it not once or twiſe, but many times to prooue, that in the old Teſtament the Priests were ſubiect to the temporall Princes, for that Eleazar was inferior & ſubiect to Iosue. Iosue ſaith Abulenſis, expounding thoſe words, and do thou command the Priests, &c. was not onely the Captaine of the people, but alſo of the Priests, although hee was neither a Priest, nor a Leuite, but of the Tribe of Ephraim, as it appeareth, Num. cap. 13. and he did command not onely the inferiour Priests, of whom it is ſpoken in this place, but alſo the high Priest, as it appeareth, Num. 27. where it is ſaid, for him if any thing be to be done, Eleazar the Priest ſhall conſult the Lord: At his word (to wit at the word of Iosue) ſhall he (to wit Eleazar) and all the children of Iſrael goe out, and ſhall goe in. And the cauſe hereof is this, for that in the Olde Teſtament the Secular and Eccleſiaſtical, or the Priests, and Regall Inſurrections were not diſtinct, as they are now, although the offices of the Priests and Leuites were altogether diſtinct from the actions of the Lay men: whereupon the Priests, when they offended, might be put to death by the King, as the Lay men might, &c.

Aboperibus.

2 Q. 2 in cap.
24. Iosue.

27 But ſome will ſay (ſaith the ſame Abulenſis) that the ſtate of Eleazar was more honourable, becauſe he was the high Priest, and Iosue was the Prince of the people, but the ſtate of Priests was greater then the ſtate of Lay men, as the Pope is more excellent then the Emperour, or Kings. But it is to be answered, that this is falſe. For the ſtate of Priests in the Olde Teſtament was not more excellent, then the ſtate of Kings, but the Priests were iudged by Kings, and not onely concerning Kings, but alſo Iosue, who was no King, was greater then the high Priest, as it appeareth, Num. cap. 27. where it is ſaid, that Eleazar the high Priest, and euery one ſhall at the commandement of Iosue goe in and goe out, that is, ſhall doe whatſoeuer they ought to doe: Therefore Iosue was Superiour, becauſe to command is an act of a Superiour.

u Q. 48 in
cap. 27. Num.

Num. 27. verſ.
27.

28 And againe the ſaid Abulenſis writeth thus, At his word he ſhall goe in, and ſhall goe out, that is, Eleazar the Priest ſhall ſerue at the commandement of Iosue, by doing whatſoeuer he ſhall command. For to goe out, and goe in, is by the manner of ſpeech taken for euery worke. So it was taken aboue, that God would put in authority ouer the Iſraelites a man, who ſhould goe out and goe in before them, that is, ſhould doe whatſoeuer ought to be done before his people, and in all things to be before them commanding and inſtructing. But ſome may take to goe in, and to goe out, for to goe into the Sanctuary to conſult the Lord for Iosue, becauſe it was ſaide aboue, that whatſoeuer was to be done, Eleazar ſhould conſult the Lord for Iosue. And in this place it is added, that at his commandement he ought to doe

doe this, to wit, that whensoever Eleazar should be commanded to consult the Lord for Iosue, he must be subiect to doe it. But this sense cannot stand, because Eleazar did not goe into the Sanctuarie to consult the Lord within the Sanctuaries putting on his Priestly vestements, but by the rationale, and Ephod he did consult the Lord, as it hath beene declared. Also it can not stand, because it is not spoken onely of Eleazar, that he shall goe in and goe out at the commandement of Iosue, but also of all the children of Israel; but they did not goe in to consult the Lord for Iosue, therefore the first sense must stand. Yet it is to be considered, that Iosue, because he was the Secular Prince, is preferred here directly before the high Priest, so that Eleazar was bound to obey Iosue in all things, which he should command, as likewise all the rest of the people; and so it was in the time of Moses, who was not a Priest, (to wit, by ordination and Prelacie) yet Aaron, who was the high Priest, did obey him, who was the Prince of the people. And so it was in all the old Testament, that the high Priests were subiect to the Kings &c. Thus *Abulenſis*.

29 And thus you see, that this learned man vnderstandeth those words of holy Scripture, *Ad verbum eius* &c. At his word he shall goe out, and shall goe in, in the cleane contrarie sense; then wherein Mr. Fitzherbert doth expound them, and yet forsooth it is manifest out of this place saith he, that when the dignities spirituall and temporall were disjoyned in distinct and severall persons, as in the time of Iosue, the spirituall was alwaies superior. But secondly I will goe farther with Mr. Fitzherbert, and graunt him onely for Disputations sake, that those words are so to be vnderstood, that at the word of Eleazar, Iosue shall go out, and go in, and not that Eleazar at the word of Iosue shall goe out, and goe in, yet from thence it can not rightly be concluded, that Iosue was subiect to Eleazar in temporals, but onely in spirituals: for that to consult the Lord, and declare to Iosue and the people the commandement of God, when any difficultie should arise, yea and to command Iosue, and the people to obey his declaration, and to follow that, which God had revealed, which *Theodor.* doth onely affirme, was not a temporall, but a meere spirituall thing, as before I declared out of *Abulenſis*. Neither can my *Adversarie* denie, but that Iosue did succeed Moses in the temporall government, and therefore vnlesse he will denie, as I thinke he dare not, that Aaron the high Priest was subiect to Moses in temporals, and might be punished by him temporally, if he should transgresse the law of God, he can not with any probability deny, but that Eleazar the high Priest was also in temporals subiect to Iosue, who succeeded Moses in the temporall government, and that he might be punished by him temporally, if he should offend against the law of God.

30 The next argument of Mr. Fitzherbert is also as weake as the former. Also the holy Scripture, sayth he, ^x declaring how the Land of Pro-

Abulenſis q. 71.
incap. 32.
Exodi.

x Num. 13. 73
Iosue 19.

mise was divided, fetherth is downe in this manner: Hæ sunt possessiones &c. These are the possessions, which Eleazar the Priest, and Iosue the sonne of Nun, and the Princes of the families and of the tribes of the children of Israel divided by lot in Silo &c. Thus sayth the Scripture giving the preheminence in the division of the land to the high Priest before the temporal all Prince.

31 But this argument prooueth at the most, that the spirituall Priesthood is in worth, dignitie and nobilitie more excellent, then the temporall Soueraigntie, but it doth not prooue, that *Priests* are in temporall Soueraigntie greater then temporall *Princes*. As likewise *Cardinall Bishops* haue the precedence and preheminence before *Cardinall Priests*, and *Cardinall Priests* before *Cardinall Deacons*, and a *Cardinall* who is first created hath the precedence and preheminence before an other *Cardinall*, who is afterwards created, yet from hence it cannot be concluded, that one *Cardinall* is greater in authoritie then another, or that one *Cardinall* hath power to command and punish another.

32 Also learned *Abulenſis* expounding thoſe words of holy Scrip-
ture, *This is it which the children of Iſrael poſſeſſed in the land of Canaan,*
which Eleazar the Prieſt, and Iſue the ſonne of Nun, and the princes of
the families by the tribes of Iſrael gave to them &c. answereth this argu-
ment at large. Here, ſaith he, are related the perſons dividing the land of
Abulenſ. q. 1. the nine tribes, and a halfe, to wit, Eleazar, Iſue, and the ancients or elders
of Iſrael. Wherein it is to be conſidered that Moyses alone before the paſſage
of Jordan, divided the land of two tribes and a halfe, although Eleazar the
Prieſt, and the multitude of the Iſraelites, to wit, the Princes of the multi-
tude, did aſſiſt him, as it appeareth Num. 32. and if he had lived, none
other had divided the land. But when he was dead, there did ſucceed other
dividers: and it was not given to Iſue, as the onely divider, becauſe
God would not give to any one after the death of Moyses all this power,
as he bad given to Moyses, for that he would not appoint any one equal to
him. Therefore before the death of Moyses he cauſed, that there ſhould be
aſſigned dividers of the land of Canaan, whereof the principall power
he gave to Iſue, and appeareth Deuter. cap. 3. & 31. to wit, that Iſue
ſhould take the land from the hands of the enemies, and he ſhould divide it
by lots. But there were given other conditors of every tribe, and Eleazar
was given. For Eleazar the high Prieſt is put as a helper of Iſue in all
things, as it appeareth Num. 27. And Eleazar is put here in the firſt place,
not for that he was the more worthis either for ſtate, or holineſſe. Iſue did
ſufficiently excell, ſeeing that he was greatly beloved of God, and God did
ſpeake vnto him very often, which is not apparant of Eleazar.

33 Neither was the state of Priests in the old Testament more excellent, then the state of Kings, but Priests were iudged by Kings, and this not onely concerning Kings, but also Iosue, who was not a King, was greater then the

the high Priest, as it appeareth Num. cap. 27. where it is said, that Eleazar the high Priest, and every one shall as the commandment of Iosue goe in, and goe out, that is, shall doe whatsoeuer they ought to doe. Therefore Iosue was the greater, because to command is an act of the greater. Yet Eleazar is here put before, because Samuel the writer of this booke would observe the order of the writing of Moyles, But when Moyles described the diuiders of the land of Canaan, he put Eleazar before Iosue, and all the Israelites, as it appeareth Num. 34. and therefore he did here keepe the same order. Thus *Abulenfis*. And the cause why Moyles did preferre Eleazar before Iosue may be easily gathered out of the same *Abulenfis*², for that Eleazar was then the high Priest, and in that respect most honoured among the people next to Moyles. Whereupon both Moyles and Eleazar did sit to iudge great causes, both of them also did number the people, as it appeareth in the former chapter, and this honour did appertain to all the high Priests &c. But Iosue was then a minister and seruant of Moyles, and was not the chiefe temporall Prince of the people, but after Moyles death, although Moyles in his life time did by Gods commandement appoint him to be his successour in the temporall gouernment of the people.

34 The next argument of Mr. Fitzherbert is all one with the former. And when the daughters of Salphaad, saith he, ^{a Iosue 17.} demanded their inheritance, venerunt, sayth the Scripture in conspectu &c. they came into the presence of Eleazar, and of Iosue the sonne of Nun, and of the Princes, wherein you see also that as Iosue, who was the chiefe temporall Prince, is preferred before the other Princes, so is also the chiefe Priest preferred before Iosue. Thus farre in my Supplement &c. But why Eleazar the high Priest was named in the first place before Iosue the temporall Prince, I haue shewed before out of *Abulenfis*, and from hence it doth onely follow that the state or office of the high Priest, which was to consult the Lord in doubtfull matters, and to be the chiefe minister in the sacrifices and worship of God, was in worth, dignitie or nobilitie more excellent then the temporall state, or Princedome, albeit *Abulenfis*, as you haue seene, doth deny, that the state of the Priesthood, in the olde law, was more honourable and excellent then of the temporall Princedome, about which I will not contend with *Abulenfis*, for that I thinke he differeth from me onely in words, yet from hence it can not be concluded, that the temporall Prince in the olde law was in temporall affaires inferiour or subiect to the high Priest, but onely in spirituall causes, which is not at this time the question betwixt Mr. Fitzherbert and me.

35 The last argument also, which Mr. Fitzherbert bringeth out of the old law before the institution of the Kings of Israel, is as silly as any of the former and the most that it prooueth also is, that the authoritie and office of the high Priest is more noble, then the authoritie and

2 q. 1. in cap. 27.
Num. 34. 42.

Cap. 26. Num.

b. m. 9. pag. 73.

c. Num. 23. Lev.
 4. Philo. l. de
 victimis
 Theod. in Lev.
 Procop. in Lev.
 Magdeb. com. 1
 l. 1. c. 7. col. 257.
 Calu. Instit. l. 4.
 c. 6 ff. 12.

and office of the temporall Prince. Thus saith he, in my Supplement; where having also ^cproov'd the preheminence of the Priest about the Prince by the difference of their Sacrifices (according to the opinion of Philo the Jew Theodoret and Procopius Gazæus, and confirmed it by the testimony and confession even of the Magdeburgenses, and Calvin himselfe, I proceeded to the consideration of the Kings in the old Testament, and whether there was any change, or diminution of the authoritie of the high Priest by their institution, to which purpose I said thus. This being so by the ordinance of almighty God himselfe, and this law being continued in full force without any alteration or change, during the government of Moyles, Iosue and the Iudges, it is to be considered, whether the same was changed, or any way altered afterwards, at the institution of the Kings; I meane, whether the Kings were any way exempted from this law, and had Superioritie over the high Priest and Clergie, as our Aduersaries doe absurdly affirme, thus they had &c.

36 But first what is this to the purpose? The spirituall Pastour hath preheminence in dignitie and nobilitie over the temporall Prince, will he therefore from hence inferre, that the spirituall Pastour hath power and authoritie over the temporall Prince even in temporall affaires? as though because the Goldsmith hath in nobilitie and excellencie preheminence about the Cobler, therefore we may conclude, that the Goldsmith hath power and authoritie over the Cobler. Secondly, neither from the difference of the Sacrifices can there sufficiently be gathered any preheminence, especially in authoritie about the temporall Prince in temporall affaires. For although it be ordained Levit. 4. that a calfe should be offered for the Priest, and a goat for the Prince, who should offend through ignorance, yet this difference of sacrifices may be appointed, not for that the Priest hath any preheminence either in dignitie, or authoritie in temporall affaires about the temporall Prince, but for that, as well obserueth Mr. John Barclay, ^dthe offence of the Priest sinning through ignorance, is either greater then of the Prince, and therefore to be purged by a more worthie Sacrifice, or that the Priest in Ecclesiasticall affaires hath preheminence about the Prince, which no man denyeth. And what man of learning would now conclude, that the Priests of the new Law haue any temporall power over Kings, for that a greater penance is enioyned to them, if they offend through ignorance, then to temporall Kings, or that in Churches and Ecclesiasticall rites they are the first, and doe first communicate?

Abul. q. 12. in
 cap. 4. Levit.

37 Wherefore Abulenſis vpon this place doeth referre the difference of these sacrifices not to any preheminence of the high Priest about the temporall Prince, but to the greatnesse of the offence committed by them both. Thou must know, saith hee, that these sacrifices are appointed greater, according as the sinnes for which they were offered were greater.

greater: but the sinne of the high Priest, taking it in the same kind of sinne is alwayes greater then the sinne of the Prince of the people, or then the sinne of all the people; therefore the sinne of the high Priest did require the greatest Sacrifice, excelling all other Sacrifices for sinnes, or at leastwise equall to the greatest Sacrifices. Now in what manner and for what causes the sinne of the high Priest was greater both in extension and intension then the sinne of the temporall Prince, or of all the people, *Abulenſis* doth declare at large in that place.

38 Thirdly, if Mr. Fitzherbert had examined that place of holy Scripture himselſe, and not barely taken that argument from Card. Bellarmine, hee might easily haue ſeene, that the same sacrifice of a calfe with the same ceremonies was appointed to bee offered also for the sinne of all the people; So that if this argument taken from the difference of the Sacrifices were good to prooue a preheminance of the high Priest about the Prince, because for the high Priest, if hee should offend through ignorance, a calfe was to bee offered, and for the Prince only a goate, it would also prooue, that the people were equall in preheminance to the high Priest, and that they had preheminance about their King, or Prince, for that for the offence also of the people was to bee offered the same sacrifice of a calfe, and for the offence of the Prince only a goate.

39 Fourthly, heere is no mention made in this place of Kings, but only of Princes: If a Prince, saith the Scripture, doth sinne, and by ignorance doe of many things one, that by the law of our Lord is forbidden, and afterwards understandeth his sinne, hee shall offer an holste to our Lord a bucke of the goates without spotte. Now at this time the Israelites had no King, but 400. yeres after. For the better understanding whereof, you must obserue, as well declareth *Abulenſis*,^e that Moyses was the first Prince of the people, under whom all the people of Israel did depart out of Egypt, yet Moyses was not a King, but a Captaine or a Leader of the people. Yea he was not Dominus, a Lord, or ruler saith *Abulenſis*,^f but onely, as making lawes to the Iewes on the behalfe of GOD, and hee commanded nothing to the Israelites, as from his owne will, but as from GOD: whereupon hee was not called a Lord, but a Doctour of the Israelites. And it is apparant, that if hee had beene a Lord of the Israelites, or as it were a King, it had belonged to him to bestow dignities, by instituting and deposing, and none of the people could resist him, or accuse him of this, at leastwise, de iure, by right, and if hee were accused de facto, hee was not bound to answer, but he might repress those who opposed against him by answering nothing: and yet Core with a hundred and fiftie men did oppose against him: And also the three Princes of the tribe of Reuben, to wit, Dathan, Abiron, and Hon for the high Priesthood, saying that hee gave it unrightly to Aaron, to wit, in giuing all things to his kinred;

e q. 8. sine. 22.
Lenit.

f q. 19. in cap.
8. Indit.

Num. 16.

hured; and he purged himſelfe, ſaying, in this you ſhall know, that our Lord hath ſent mee to doe all things that you ſee, and that I haue not forged them of my owne mind, if they ſhall die the accuſtomed death of men, our Lord hath not ſent me: *Alſo before in the ſame Chapter Core ſaid to Moyſes and Aaron, Let it ſuffice you, that all the multitude conſiſteth of holy ones, and our Lord is among them, why liſt you vp your ſelues aboute the people of our Lord? But if Moyſes had beene a Lord, or a King, no man could haue ſaid this vnto him, for that hee who was a Lord, might haue liſted himſelfe vp; yea there is no greater liſting vp, then to be a Lord. Thus Abulenſis.*

40 And although *Moyſes* alone did iudge the people without the helpe of any other Iudges who were ſubordained to him, vntill *Iethro* father in law to *Moyſes* came vnto him into the deſert of *Sinai* neere to the mount *Sinai* (which happened either in the ende of the firſt yeere. or in the beginning of the ſecond ſince their departure out of *Egypt*, after that the law was giuen to *Moyſes* in the mount *Sinai*) yet afterwards by the aduiſe of *Iethro*, who perceiuing that *Moyſes* could not long ſuſtaine ſo great a burden as to iudge himſelfe alone the whole people of *Iſrael*, ſitting in iudgement from morning vntill night, he was perſwaded to impart the burden thereof to others, and ſo chooſing ſubſtantiall men out of all *Iſrael* he appointed them *Princes* of the people, *Tribunes*, and *Centurians*, and *Quinquagenarians* and *Deanes*, who iudged the people at all times, and whatſoeuer was of greater difficultie, they referred to *Moyſes*, they themſelues iudging only the eaſier cauſes.

Num. 11.

41 But becauſe theſe *Iudges*, who were all ſubordinate to *Moyſes*, iudged onely of ſmaller cauſes, and all matters of difficultie were referred to *Moyſes*, hee was neuertheleſſe ouermuch troubled, and therefore not long after at the ſepulcher of *Concupiſcence*, almighty God at the requeſt of *Moyſes* appointed ſeuentie men of the ancients of *Iſrael*, whom *Moyſes* had choſen, to aſſiſt him, to whom hee gaue alſo the ſpirit of prophecie, and to them were committed thoſe things, which did peculiarly belong to *Moyſes*, to wit, that they ſhould iudge of great matters as *Moyſes* did (for the iuriſdiction of the 70. *Iudges* appointed by the aduiſe of *Iethro*, who iudged the ſmaller matters, did ſtill remaine) and alſo that they ſhould conſult our Lord, and giue anſweres concerning the queſtions of the law, as *Moyſes* did, & ſo that Iuriſdiction, which before by the aduiſe of *Iethro* did onely belong to *Moyſes*, was now by the commandement of God giuen to ſeuentie ancients, or *Elders*, who alſo were not *Prieſts* or *Leuites*, but Lay-men choſen out of the ancients of *Iſrael*,^h and yet they had iuriſdiction both in ſpirituall and temporall cauſes:ⁱ And after theſe ſeuentie men were appointed to helpe *Moyſes* hee neuer complained in

g Abul. q. 24.
m c. 11. no.

h Abul. q. 61.

i Abul. q. 24.

all

all the fortie yeeres that the *Israelites* were in the wilderness, that hee was burdened with the multitude of so many causes of the people. ^k

*Abul. g. 13.
Num. 17.*

42 Now to succcede *Moses*, and to bee the *Captaine*, and *Prince* of all the people *God* appointed *Iosue* the sonne of *Nun*, *Moses* yet liuing. And he was truly a *Prince* of the people, for at his commandement, not only the people, but also *Eleazar* the high *Priest* were moued: yet he was not a *King*, but a *Prince*, or *Captaine*; neither also had he authoritie to iudge, saith *Abulensis*, but *Iudges* were appointed otherwise. Neither is this against that, which *God* commanded *Numer. 27.* that as well *Eleazar*, as all *Israel*, were moued at the commandement of *Iosue*, because this is to be vnderstood concerning those things, which appertained to warre, and because all, or the chiefe time of *Iosue* was in making warre by subduing the people of *Chanaan*, therefore the power of *Iosue* was great, yet he was neuer called *Lord*, or *King*.

*Abulensis g.
19. in cap. 8.
Iudic.*

43 After the death of *Iosue*, *God* raised other *Princes* of the people, who were called *Iudges*, or *Sauours*, *Iudic. 2.* and *3.* neither were they *Kings*, but their *Princedom*, or principallitie was lesse, neither were they called *Lords*, as it appeareth *Iudic. 8.* when all the men of *Israel* said to *Gedeon*, haue thou dominion ouer vs, and thy sonne, and thy sonnes sonne, because thou hast deliuered vs from the hand of *Madian*. To whom hee said, I will not domineere, or haue dominion ouer you, neither shall my sonne haue dominion ouer you, but the *Lord* shall haue dominion ouer you: and yet *Gedeon* was a *Captaine* in the warres, and a *Iudge* of the people of *Israel*: and this principallitie, or gouernment of the *Iudges* did continue for a long time together, to wit, for aboute 340. yeeres, to the time of *Samuel*, who was the last of the *Iudges*, in whose time the *Israelites* desired a *King*, as other nations had.

44 After the *Iudges* the *King's* gouernment, or principallitie did succede. For the people desired of *Samuel* a *King*, and *God* commanded, that hee should appoint *Saul* to bee a *King* ouer them: and this principallitie or *Kingly* gouernment, did endure a long time, to wit, to the captiuitie of *Babylon*, when *Sedechias* was *King. 4. Reg.*

45. After the returne of the *Iewes* from *Babylon* they had no *King*, but the high *Priests*, as *Abulensis* saith, were the *Princes* of the people: and this principallitie continued vntill the birth of *Christ*. Neuertheless for a certaine time before the Natiuitie of *Christ* the high *Priests*, who were *Princes* of the people did take the *Kingly* name, and diademe, and they did continue so vntill the time of *Herod* the stranger, who killed his father in law *Hircanus*, who was the high *Priest*, and *King*, and by the power of the *Romanes* was made himselfe the *King* of the *Iewes*, and at this time *Christ* our *Sauour* was borne: and how the

*Abulensis g.
91 in cap. 2.
Matth.*

authoritie

authoritie of *Kings* was greater then of the *Judges*; See beneath. *nu.* 52. & seq.

Q. 5. in cap. 5.
1. Paralip.
See Abulenſis
q. 6. & 7. in
c. 5. 2. Paralip.

46 *Laſtly*, the *Jewes* not onely in the time of their *Kings*, but alſo of *Moyſes*, *Iſue*, and the *Judges* had other *Princes*, who had great authority and priuiledges among the people of *Iſrael*, of which their rights, and priuiledges *Abulenſis* treateth at large. For all the people of *Iſrael* were diuided into *tribes*, *families*, and *houſes*, all which are names of companies, or congregations, and they differ in this, that one company is greater, an other leſſe, and one doth containe, or is contained in the other. And *fiſt* all the company or congregation of the *Iſraelites* is diuided into twelue parts, which are called twelue *tribes*, for that all the company of the *Iſraelites* doth deſcend from the twelue ſonnes of *Iacob* or *Iſrael*: and in euery one of theſe twelue *tribes* there was alwaies one *Prince*; So that in all *Iſrael* there were alwaies twelue men, who were greater and more noble then the reſt, who were called the twelue *Princes* of the *tribes*. Neither were theſe made *Princes* by election, or lot, but by birth, for alwaies the eldeſt ſonne, that deſcended from the head or *fiſt Prince* of the tribe by the right line of the eldeſt ſonnes, was called the *Prince* of all that tribe; So that if he who was *Prince* or head of any tribe, as *Indas*, or *Zabulon*, had many ſonnes, the *fiſt borne*, or eldeſt ſonne of them was the *Prince* of all that tribe: and ſo it alwaies continued afterwards, that alwaies the eldeſt ſonne of the *Prince* of any tribe, was *Prince* of that tribe after his Fathers death.

47 Now in euery tribe there were diuers *families*: for as euery one of the twelue ſonnes of *Iacob* or *Iſrael* with all their progeny made a tribe. ſo euery ſonne of his twelue ſonnes with all their progeny made a *family*. So that among all the *Iſraelites* there were as many *families*, as euery one of the ſonnes of *Iacob* had ſonnes. As for example, becauſe *Ruben* the eldeſt ſonne of *Iacob* had foure ſonnes, there were foure *families* in the tribe of *Ruben*, and becauſe *Simeon* the ſecond ſonne of *Iacob* had ſixe ſonnes, there were ſixe *families* in the tribe of *Simeon*, and ſo proportionally of the reſt: and euery one of theſe *families* had a *Prince*, who was alwaies the eldeſt ſonne of *Iacob* his ſecond ſonnes, for he alwaies deſcended from the *fiſt heads* or *Princes* of the *families* by the direct line of the eldeſt ſonnes, and he was ſubiect to the *Prince* or head of the tribe, whereof he was: ſo that as the *families* were vnder the *tribes*, ſo alſo the *Princes* of the *families* were vnder the *Princes* of the *tribes*, and as many *families* as were in euery tribe; ſo many *Princes* of *families* the *Prince* of that tribe had vnder him.

Abulenſis q. 52
in c. 2. Iſue.

48 *Thirdly*, a *houſe* was taken for a peculiar congregation or companie of many kinſmen vnder the ſame *family*, and it comprehendeth all the perſons that deſcend from the ſame father yet liuing, to wit,

wit, the sonnes, daughters and grandchildren, although they haue diuers æconomies, or dwell in houses a part from their parents: and yet sometimes a *house* is taken for the congregation of all the *tribes* of Israel, and sometimes for one onely *tribe* or *family*, as Psal. 113. *be blessed the house of Israel, he blessed the house of Aaron*: but most strictly it is taken for a peculiar æconomie consisting of husband, wife, children, seruants. And of these *Princes* of the *tribes* and *families* of Israel the holy Scripture maketh mention very often, especially in the bookes of *Numbers* and of *Iosue*, 3. Reg. 8. 1. Paralip. 5. 7. 15. 26. 27. and 2. Paralip. 1. and 5.: and their dignitie and priuiledges *Abulenſis* declareth q. 5. in cap. 5. 1. Paral. and in cap. 5. 2. Paralip. q. 6. and 7. And of these *Princes* also, who neuerthelesse were subiect not only to the *Kings* of Israel, but also to *Moyſes*, *Iosue*, and the *Iudges*, may this place of holy Scripture be vnderstood, to wit, that a *hee* *goate* should be offered for enery such Prince offending through ignorance.

Psal. 113. vers. 1. & 13.
Arist. 1. Polit. cap. 2.

49 Lastly, concerning those three Authours, which Mr. Fitzherbert hath taken from Card. Bellarmine, ¹he might haue seene their testimonies long before he wrote against me, fully answered by Mr. John Barclay*. For Philo in that place doth not speake of *Kings*, but of a Prince, and, which is more, he affirmeth, that this honour of offering a greater sacrifice, to wit, a *calfe*, was giuen to the high Priest not in regard of himselfe, but because he was a minister of the people, doing publike sacrifices in the name of all the people. Besides, this authoritie of Philo only prooueth, that the Priestly dignitie was more noble, and excellent, then the Princely dignitie, whereof I doe not now dispute. Neither doth Theoderet speake of *Kings*, nor of the power of the high Priest, but only of his dignitie and excellencie. God commanded, saith he, that the Priest who shall transgresse the law shall sacrifice a *calfe* without spot, but if all the people shall commit the like crime, he appointeth the like sacrifice to be offered, teaching how great the dignitie of the Priest is, whom he hath made like, or equall to all the people: but he commandeth a Prince that shall transgresse the law, to offer not a *calfe*, but a *hee* *goate*; so farre inferiour to Priestly dignitie is he to whom corporall command is committed: But this is nothing else, but that, which S. Gregorie Nazianzen, S. Chrysostome, S. Ambrose, and other Fathers doe often say, that the spirituall power is more noble, excellent, and worthy, then the temporall, which no man now calleth in question. But the authoritie of Procopius Gazæus is of farre lesser force, both for that this Procopius, as Card. Bellarmine, and Antonius Possennus doe affirme, was a better Rhetorician, then a

lib. 2 de Rom Pont. cap. 29.
& in tract. contra Guiliel. Barcl. cap. 15.
Aduersus Card. Bell. cap. 15. § 4.

m lib. 1. de Christo. cap. 6. n In 7. de Procopius.

Prince

a Sess. 47.

Prince, and also yeeldeth a reason thereof, which is now flat hereticall. For he doth not say, that a *Prince* offending shall offer a lesser sacrifice then a *Priest*, for that a *Prince* is inferiour to a *Priest*, in honour, dignitie, or authoritie, although from hence he gathereth that the *Priest* and also the people are more honourable then the *Prince*, but, for that a *Prince*, as soone as he shall pollute himselfe with sinne doth desire to be a *Prince*, and fall th from his dignity, which assertion is now condemned in the Councell of Constance among the articles of *Iohn Wicleffe*, whereof the 15. article is this: *Hee is no ciuill Lord, Hee is no Prelate, Hee is no Bishop, whilest hee is in mortall sinne.* The words of *Procopius* are these: *It is to be noted, that the Priest and the people doe offer the same sacrifice, if they shall burthen themselves with sinne, but a Prince doth purge his sinne with a distinct sacrifice, because a Prince as soone as hee shall pollute himselfe with sinne, doeth desire to bee a Prince, and falleth from his dignitie.* Therefore from hence wee may gather, that the *Priest* is more honourable then the *Prince*, also that the people doe excell in dignitie the *Prince*.

o Psal. 143.

50 But as touching his second inference, for of the first I haue spoken before, it is very vntrue, that the people are superiour to their absolute *Prince* in dignitie or authoritie: but contrariwise it is manifest, that a *King* is superiour and aboue the people, and the people inferiour to their *King*: *This shall be the right of the King that shall reigne ouer you* saith the holy Scripture 1. Reg. 8. and in the same place the people said, *there shall bee a King ouer vs, and we will bee as all nations; and blessed bee the Lord my God, said King Dauid, who subdueth my people vnder mee:* wherefore there is no doubt to bee made, but that the Iewes were bound to obey the high *Priest* in spirituall matters, but that all men were bound to obey the high *Priest* in temporall affaires, or that the spiritual power was in the old law the supreme power not only in excellencie, nobilitie, or dignitie, but also in authoritie, and chastised *Princes* temporally, which *Mr. Fitzherbert* pretendeth heere to inake manifest, this hee neither hath, nor euer will bee able with any manifest proofe to conuince. And thus you haue seene, how insufficient are all the arguments, which *Mr. Fitzherbert* hath brought out of the old law before the institution of the *Kings* of Israel, now you shall see how weake the rest of his arguments are, which he bringeth out of the old law, since that the Israelites demanded of *Samuel* to haue a *King* ouer them, as other nations had.

51 But first of all *Mr. Fitzherbert* laboureth in vaine to prooue, that which no man calleth in question, to wit, that the authoritie of the high *Priest* in the old Testament was neither changed, nor diminished by the institution of *Kings*, but that as the Law of God deliuered to the Iewes by *Moyse* did continue in full force without any alteration, or change during

during the time of Moyses, of Iosue, and the Iudges, so the same was not altered or changed afterwards by the institution of Kings, and that God did not change the forme and course of the Law in favour of Kings, or turned the same upside downe contrary to the course of nature, as Mr. Fitzherbert anoneth some of his Aduerfaries absurdly to affirme. For it is a meere fiction, that by the institution of Kings, the Law of Moyses was altered, or the authoritie of the high Priest changed, or diminished, or that the same superiority, which the high Priest, as he was high Priest, had about the temporall state, to wit, in spirituall affaires, before the institution of Kings, did not continue in the high Priest, after that the Kings of Israel were instituted. And therefore Mr. Fitzherbert saigneth absurd opinions to haue occasion to impugn them. For the institution of Kings did not alter, or diminish at all the spirituall authoritie of the high Priests, but it did only change the maner of the temporall gouernment, and it caused, that the supreme temporall authoritie, or dominion, was onely in one man, and the temporall gouernment to be simply Regall, or Monarchicall, whereas before the institution of Kings it was not alwaies so.

52 For albeit Moyses and Iosue were appointed by God to bee Iudges, and Leaders, or Captaines of the people of Israel, and they had greater authoritie, then the other Iudges had, yet they were not properly Kings, neither had they, speaking properly, true Regall dominion, and authoritie, as Abulenſis y doth well obserue. And as for the other Iudges of Israel, their authoritie was farre inferiour to Regall authoritie, or dominion. For as the same Abulenſis² doth also well obserue, there was a great difference betwixt Kings, and Iudges both in power and iurisdiction. For the power of Kings was most ample: But the Iudges had ouer the people no authoritie to command as due to them by iurisdiction, but they were onely industrious men for warres, and for giuing counsell, and by their aduice the people were directed in all things, yet they had ouer the people no other authoritie then the people would giue them, and the people did obey them, as it were freely, when they did see, that they commanded, or counsailed nothing but that which was iust: whereupon they were not called Lords, or did they rule, raigne, or had proper dominion ouer the people, but they did onely gouerne or iudge: because Lords, or they that reigne, and haue proper dominion, or Seigniorie, are those, who doe whatsoeuer they will if it be not against law, or reason, and the subiects are bound to obey them in all things, such are Kings: but the power of the Iudges did extend to no other thing, then to that which was written in the law, in so much that Kings might doe whatsoeuer the law doth not forbid; but Iudges might onely doe that, which the law commanded: So that the power of those Iudges was but little.

53 First, because it was giuen them freely by the people, neither had they

y Q. 19. in ca.
8. Indic.

z Q. 5. in
prolog. D. Hieron. in librum
Iosue c. 9. 7. &
11. in Prolog.
lib. Indic.

they more authority then the people gave them, and they were chiefly chosen to make warre against the enemies, for which cause they were called Saviours. And although after they had overcome their enemies, the people had no great neede of them, yet by the consent of the people they remained afterwards as long as they lived in their authoritie to iudge. And if any one object, that the power of the Iudges was not given them by man but by God, for as it is written Iudic. 3. God raised them a Saviour called Aod : I answer, saith Abulensis, that the Iudges were made by the election of the people, and from the people they received a limited power, but they were not chosen by the people alwaies after one manner. For some were made Iudges, because God commanded them, that they should fight for the people ; so was Barac : For the propheteſſe Debbora tolde him on the behalfe of God, that he should fight against Sisera Iudic. 4. and yet after he had wonne the battell, he was not yet a Iudge, or Prince of the Israelites, but because the people saw, that God would deliver them by the meanes of Barac, they chose him for their Iudge. So also it happened concerning Gedeon. For the Angel of our Lord did appeare unto him, and commanded him, that he should goe to deliver Israel from the hand of Madian Iudic. 6. And when he victoriously finished the warre, the Israelites tooke him for their Iudge; neither would they onely haue made him their Iudge, but also their Lord and King, as it appeareth, Iudic. 8.

54 Others were taken for Iudges not by the commandement, but by the instigation of God, to wit, because when the Israelites were oppressed with these calamities, and wanted a Saviour, God gave his spirit to certaine men, by which they were couragious, wise, and most fit for warres, whom the Israelites seeing did take for their Iudges, and then God was said to haue raised to them Saviours : So it is to be understood of Hothaniel, and Aod Iudic. 3. Other Iudges were made onely by the will of the people, to wit, because when they were in distresse, they inquired who was a fit man among them to be Captaine in their warres ; And sometimes they took not those that were vertuous, but onely who were exercised in warre. So Iephte was chosen Iudic. 11. who was a Prince of theues, whom the Israelites, because they saw him fit for warre, desired to be their Captaine and Iudge. And sometimes the Iudges were made onely by fauour, and as it were by violence of the people, as was Abimelech the sonne of Gedeon, Iudic. 9. to whom also by the sedition of the Sichimites was given the title of a King. And when it is objected, that God raised a Saviour, I answer saith Abulensis, that it is not to be understood, that God commanded any one to be Iudge, by creating him, and giving him a certaine manner of authoritie, but that God did incite the Israelites by some one of the wayes aforesaid to make some their Iudges, and yet afterwards it depended upon the will of the people to receive them, or reject them, and to give them so much authoritie, as they pleased.

55 Secondly, the authoritie of the Iudges was not deriued by succession to their posteritie, but it remained in the power of the people, one Iudge being dead, to choose another, or to choose none at all: But to the greatnesse of authoritie it appertaineth to haue power to deriue it to their posterity, as those things are properly ours, concerning which wee may appoint others to inherit, for in other things we are rather Administrators, or Procuratours, then Lords, or hauing dominion, and Seigniorie. And the difference of this power to be a Iudge from that, which by succession is transferred to posteritie, is manifest by the example of Gedeon; for when Gedeon was a Iudge in Israel, the Israelites being desirous to exalt him to greater honour, for the great victory he had against the Madianites, saide vnto him, haue thou dominion, or Seigniorie ouer vs, and thy sonne, and thy sonnes sonne, that is, all of thy posteritie, but he being contented with the principalitie, or preheminance of a Iudge, would not accept thereof, saying, I will not haue dominion, or Seigniorie ouer you, to wit, by exercising the power of a Lord, or King, neither shall my sonne haue dominion, or Seigniorie ouer you, but the Lord shall haue dominion, or Seigniorie ouer you, and neuerthelesse he kept the principalitie of a Iudge, so long as he liued. Thirdly, the Iudges could not impose tributes, or other taxations vpon the people, but they liued vpon their owne proper reuenues, as other private persons, except those things which by right appertained to them in warre: because it was a custome among all nations, that in warre a certaine peculiar part of the spoyle should belong to the Prince, or chiefe Captaine, as it appeareth by the decrees, dist. 1. cap. ius militare, &c.

56 Fourthly, the Iudges were not Lords, neither had they any power, dominion or Seigniorie ouer the people, but they were only Capitaines or Leaders, for as much as concerned those things, which belonged to their office, wherof I will speake beneath. And in this there was a difference betwixt Kings and Iudges: for Kings were Lords of the people of Israel, and they had power to doe whatsoever they would, which was not against the law; therefore they called the Israelites their seruants, as Saul called Dauid his seruant, 1. Reg. 22. and Dauid called the Israelites his seruants, 2. Reg. 20. but the Iudges were not called Lords, as it appeareth by those former words of Gedeon, refusing to haue that degree of principallitie, according to which Princes are called Lords, and said to haue dominion or Seigniorie ouer the people. Neither were these called Iudges of iudging, but as a Iudge is taken for a name of a certaine little principallitie. For there is this difference betwixt a Lord and a Iudge; for a Lord signifieth one, who hath simply power, dominion or Seigniorie, and he hath power to doe what he will, although it be not ordained by the law: But a Iudge is he, who hath not a libertie to command, but he can onely command that, which the lawes command, and he hath a power giuen him to define according to the law; and therefore

a Abulen. q.
11. in Praefat.
lib. Iudic.

he who is subiect to a Iudge, is not subiect to the man, but to the law, but he that is subiect to a Lord, is subiect to the man. And because the principallitie of these Iudges or Sauours, was such, that they could doe nothing according to their owne wills, as Kings and Lords could doe, but that onely, which reason, and the law did dictate, they were called Iudges, because Iudges haue the like principallitie.

57 Fifthly & lastly the office to which the Iudges were assumed, was to fight for the people against their enemies, as it is manifest by the institution of the Iudges. For Iudic. 2. it is said, that whensoever the Israelites were in the hands of their enemies, God raised vp Iudges, that should deliuer them. And the same also is euident by the peculiar institutions of the Iudges: for it is said of Hothoniel, who was the first Iudge, that when the Israelites were oppressed by the King of Mesopotamia, God raised them vp a Sauour called Hothoniel Iudic. 3. and the like is said of Aod in the same chapter; and of Barac chap. 4. and of Gedeon chap. 6. and of Iephth chap. 11. and so of the rest: and concerning the warres these Iudges had full power, for all things whatsoever belonged to warfare were at their dispose, and in this all the Israelites did obey them, as in all warres the chiefe Captaines haue this full power concerning militarie discipline. But the warres being ended, these men remained as it were priuate persons, to wit, that they had not any Dominion or authoritie: but yet they were alwaies very much honoured by the people, and sometimes the government of Cities was committed to their charge, that they might dispose of them as Princes. So Iair had thirtie sonnet, who were Princes of thirtie Cities Iudic. 10. But to iudge of causes was not directly the office of these, albeit sometimes it was committed to them, especially when they were Prophets, and prudent men. So was Samuel, who was the last Iudge of Israel, and euery yeere he went about all Israel, and iudged the people in three places, to wit, in Bethel, Galgatha and Masphath. Thus writeth *Abulenſis*, who also affirmeth, that although *Moyſes* and *Iosue* were greater then these Iudges, for that they were chosen and appointed by God, not onely to be Captaines of the Israelites in the time of warre, but also to be their Iudges and Governours, yet he denyeth, that *Moyſes* himselfe was properly a Lord or King of the Israelites, but rather that he was chosen to be their Law-maker and Prince, not by manner of reigning, or hauing properly dominion, but rather ^b *per modum indicantis*, by manner of iudging.

^b *Abulenſis* q.
8. in cap. 6. 2.
Paralep.

58 And by this you may plainly see, in what manner the temporall government of the *Iewes*, and not the spirituall, was altered by the institution of Kings: for that the supreme temporall power or dominion, which before their institution did reside in the whole multitude, or people of *Israel*, was after their institution wholly translated to the Kings: But that the course of the law was changed, and turned vpside downe in fauour of Kings, or that the spirituall government of the high

high *Priests* was altered by the institution of *Kings*, is a meere fiction. For the same spirituall authoritie and superiouritie that the *Priests* had before the institution of *Kings*, they kept also after their institution, and as all the people of *Israel*, in whom the supreme spirituall power did before reside, were neuertheless subiect in spirituals to the high *Priests*, so also were *Kings* afterwards subiect also in spirituals to the same high *Priests*, although in temporals they were supreme, and the high *Priests* subiect and inferiour to them.

59 And therefore to auoide tediousnesse I will omit to relate Mr. *Fitzherberts* text, which he setteth down, in the three next pages to prooue, that the law of God was not altered and turned vpside downe by the institution of *Kings*, and that the institution of Regall authoritie did not worke any alteration of the diuine law touching the authoritie of the high *Priest*, and matters belonging to Religion, nor brought any prejudice to the Ecclesiasticall dignitie, nor did derogate from the obedience due to the high *Priest* in matters meere spirituall, nor from the Soueraigntie of the spirituall power and function in things spirituall: for of this there is no controuersie for ought I know, albeit Mr. *Fitzherbert* saith, that his *Aduersaries*, but who they are I know not, neither doth he expresse who they be, doe make question about the same. And therefore supposing that the high *Priest* retained the same spirituall power, authoritie and dignitie after the institution of *Kings*, which he had before their institution, I will proceede to the examining of Mr. *Fitzherberts* arguments, which he bringeth to prooue, that in the old law the high *Priests* were superiour not onely in dignitie and nobilitie, but also in power and authoritie to the *Kings*, as well in temporall as spirituall causes, and that the *Kings* might be chastised temporally by the high *Priest*.

S E C T. II.

wherein all Mr. *Fitzherberts* arguments taken from the old law since the institution of *Kings* are at large examined; and first his argument taken from the authoritie of *Priests* and *Prophets* to create, annoint, chastise and depose *Kings* is disprooued; secondly, *Widdringtons* answeres to the examples of *Queene Athalia* deposed by *Ioiada* the high *Priest*, and of *King Ozias* deposed by *Azarias* the high *Priest*, are confirmed, and whatsoeuer *D. Schulckenius* obiecteth against the said answeres is related and answered, and thirdly, it is shewed, that the authoritie of *S. Chrysostome* brought by my *Aduersarie*, to confirme the example of *King Ozias* maketh nothing for him, but against him

him, and that in vrging this authoritie he dealeth fraudulently, peruerteth S. Chrysostomes meaning, and also contradicth Card. Bellarmine.

THe first argument, which Mr. Fitzherbert bringeth out of the old law since the institution of the Kings of Israel, is taken from their institution creation, and vnction. For almightie God, sayth Mr. Fitzherbert, ^a ordained, that the Kings should receiue their very institution, creation and vnction from the high Priests and Prophets. Whereupon it followeth from the vndoubted maxime of the Apostle, that the said Priests and Prophets were superiour to Kings: for sine vlla contradictione, sayth the Apostle, quod minus est a meliore benedicitur; without any contradiction the lesse is blessed by the better: which argument S. Chrysostome vseth in like manner saying, Deus ipsum Regale caput &c. God hath subiected the very head of the King to the hands of the Priest, teaching vs, that this Prince (to wit. the Priest) is greater then the other, for that which is lesse receiveth benediction from that which is more worthie. So he, who vrgeth also to the same end, that the Kings in the old Testament were annointed by Priests, and inferreth thereupon, that maior hic principatus, the principalltie of the Priest is greater then the Kings. Whereby he also acknowledgeth, that the Priests of the old Testament were superiour to Kings. And what meruaile, seeing that the said Kings were not onely created and annointed, but also chafsted, yea deposed sometimes by Prophets and Priests? Samuel first created and anoynted Saul, King of the Iewes, and after deposed him for his offences, and anointed David to reigne in his place. In like manner the kingdome of Israel was translated from the children of Achab to Iehu by the Prophet Elizeus; and the kingdome of Syria from Benhadab to a subiect and seruant of his called Hazael, by the Prophet Elias. Also in the kingdome of Iuda the wicked Quene Athalia &c.

^a But this argument only prooueth that, which is not in controuersie betwixt me, and my Aduersaries, to wit, that the Priests, and Prophets were superiour to Kings in spirituall affaires, and also that the spirituall power is more noble, excellent, and worthie then the temporall, as spirituall things doe in worth, dignitie, and nobilitie excell temporall things. For to annoint, create, institute, and depose Kings, in that manner as Kings in the old law were annointed, created, and deposed by Priests, or Prophets were spirituall, and not temporall actions. For the annointing of Kings was a religious ceremony and appertained to the office of a Priest, especially when it was done with solemnitie, and as well obserueth *Abulensis*, it did directly belong to Priests, seeing that it was a sacred thing, and sacred oile was poured upon them, the making and handling whereof did belong only to Priests

1 m. 14. 15. pag
76.

Hier. 7.

Chrysost. de
verbis Isa. hom.

Ibid. hom. 4.

1 Reg. 9.

Ibid. cap. 16.

4 Reg. 9.

3 Reg. 19.

4 Reg. 11.

b Qu. 38. inc.
1 lib. 3. Reg.

Priests; yet sometimes it was done by Prophets for want of Priests; to wit, when by no means it could be done by Priests, as when it was secret, and unknown whom God would have to be annointed for King, for if it were manifest, who was to be annointed, hee was annointed by Priests, so was Salomon, and afterwards Ioas, and so it is to be thought of all others, who were annointed, for that the kingdomes did belong to them by hereditarie succession: but sometimes it was unknowne, who was to be annointed, to wit, when one was annointed, to whom it did not appertain by right of succession, and this was done by the commandement of God, for seeing that the will of God was not made manifest but to the Prophets, it could only be knowne by them who ought to be annointed, and that it might be done more secretly, it was done by them: and so it was in all the aforesaid examples: for Saul was annointed not by succession, seeing that hee was the first King of Israel: Dauid also was not annointed by succession, for the children of Saul ought to succede; Iehu also who was not of the race of the Kings of Israel, and he was annointed to overthrow the house of Achab: and Ahsa was not of the issue of the Kings of Damascus, and he was annointed by Elias to persecute the Israelites. Thus *Abulensis*.

4. Reg. cap. 9.
3. Reg. cap. 19.

3 So likewise the creation, institution, and deposition of Kings in that manner as the aforesaid Kings were created, instituted and deposed, were spirituall, not temporall actions. For the Prophets did not create, institute, or depose Kings by their owne proper authoritie, or by any ordinarie power of theirs, but only by an extraordinarie power, as they were meere messengers, and sent by God with a peculiar and extraordinarie message, or ambassage, to create, institute, or depose the aforesaid Kings, whereupon they did not speake in their owne names, but in the person of almightie God, saying, *this saith the Lord I haue annointed thee to bee King, or the Lord hath sent me to annoint thee to bee King, or, the Lord hath reiected thee that thou shalt not bee King, and hath deliuered it to thy neighbour better than thy selfe*: So that the aforesaide creations, institutions, and depositions were onely declarations of the will of God, which without all doubt are spirituall actions. Neither from hence can it bee rightly concluded, that therefore the Priests of the old law had authoritie to create, depose, or chastise Kings temporally, or that Kings were subiect to Priests in temporalls, because sometimes Prophets were sent by God, as his messengers, to declare his will and to tell them, that God would create, depose, or chastise them with temporall punishments.

4 And who would not blush to heare a man, who taketh vpon him to bee learned, and to be a teacher of others in such difficult and dangerous points of *Divinitie*, vrge such pitifull arguments to proue matters of so great moment, as is the dethroning of Kings, and absolute Princes, and the subiecting of them to Priests in temporall af-

saies. A Priest hath power to blesse the King and all the people, as it is vsuall at the ende of Masse, therefore the King, and all the people are subiect to the Priest in temporall things, for without any contradiction, saith the Apostle, the lesse is blessed by the better. The father hath authoritie to blesse his sonne, who is a King, and consequently supreme in temporalls, therefore without doubt hee is greater then his sonne in temporalls. One of the Kings priuie chamber is sent by the Kings expresse order to declare to one, that it is his Maiesties pleasure to make him Lord Chancelour, therefore without doubt one of the Kings priuie chamber hath authoritie to make one Lord Chancellor. If God almightie had giuen to the Priests, and Prophets of the old testament, authoritie to denounce to the King or people concerning temporall affaires, as is the creation, or depolition of Kings and Princes, not only what God himselfe had reuealed vnto them, and commanded them to denounce, but also what according to their owne will and iudgement they thought fit, and conuenient, then there might bee drawne from thence a good argument, to prooue, that Kings were subiect to the Prophets in temporall affaires, but seeing that it was not lawfull for the Prophets of the old law in such cases to commaund, or denounce to the King, or people, but that which by some cleare and assured reuelation God had commanded them to declare and signifie concerning such temporall affaires, it is manifest that no colourable argument can be drawne from thence to prooue, that the Priests or Prophets of the old law had authoritie to create, institute, depose, or punish Kings temporally.

5 Neither doth S. Chrysostome cited by my Aduersarie teach any other thing, then that Kings are subiect to Priests in spirituall, and that the office of a Priest is in worth, dignitie, and nobilitie greater, and more excellent then the office of a King, for that a King hath power only ouer earthly things, but a Priest ouer heavenly, to the Priest are committed soules, to the King bodies, the King taketh away the spots of the bodie, the Priest the spots of sinnes, &c. But S. Chrysostome neuer meant, that Kings were subiect to Priests and Prophets in temporalls, or were to be punished by them temporally, but hee affirmeth the cleane contrarie, to wit, that Priests and Prophets are subiect to temporall Princes: *Omnis anima*, &c. Let every soules, saith he, be subiect to higher powers, albeit thou be an Apostle, albeit an Euangelist, albeit a Prophet, or lastly who soeuer thou be, for this subiection doth not overthrow pietie, and hee doeth not say simply, let him obey, but let him be subiect. And againe S. Chrysostome affirmeth, ^d that a Priest hath not so great power granted him to punish delinquents, and so compell a man to change his euill manners, as a temporall Iudge hath, to wit, by forcing him with temporall punishments, but only, by reprouing, and gi-

^c Hen. 23. in c.
13. ad Rom.

^d In that place
above cited by
my Aduersarie,
et 1. 2. de Sacer.
ante med.

ning a free admonition, not by raising armes, by vsing targets, by shaking a lance, by shooting arrowes, by casting darts, but onely faith hee againe, by reprooing and giuing a free admonition.

6 Neither also can Mr. Fitzherbert sufficiently conuince, that when *Dauid* was first annointed by *Samuel*, *Saul* was forthwith depriued of his Regall authoritie, or right to reigne, but onely that *Dauid* was instituted the future King and heire apparant to the Crowne, and to succcede him after his death; as likewise when *Salomon* was annointed King, *Dauid* was not thereby depriued of his Regall authoritie, but only *Salomon* was declared to be the future King, and to succcede *Dauid* in the kingdome. But howsoeuer it be, it is little to the present controuerisie, whether *Saul*, after *Dauid* was annointed by *Samuel*, was true King *de facto*, & *de iure*, or *Dauid* King *de iure*, & *Salomon de facto* for that *Samuel* in that businesse was only a messenger of GOD, and did nothing by his owne proper authoritie, but onely what GOD by a peculiar reuelation did commaund him to doe. And so if almightie GOD should now in the new Testament by any vndoubted reuelation command a Priest to deliuer this message to such a King, that for the sinnes hee had committed, hee would depriue him of his kingdome, and giue it to another more vertuous then hee, no man will deny, but that this Priest hath good and full power and authoritie to doe that message, but from hence to argue an ordinarie power to bee in Priests, to giue and take away kingdomes were ridiculous, and vnbecoming a man but meanely learned.

7 The second argument, which Mr. Fitzherbert maketh, is taken from the example of Queene *Athalia*. Also in the kingdome of Iuda, faith he, the wicked Queene *Athalia* was deposed by *Ioiada* the high Priest, and *Ioas* set vp in her place. But now our Aduersaries to answere this example of *Athalia* doe say &c. But before I come to examine, what Mr. Fitzherbert obiebeth and answereth concerning this example, I thinke it not amisse to set downe, what I answered to the said example in my Apologie and Theologicall Disputation, and what Doctor *Schulckenius*, of whom Mr. Fitzherbert hath beene bould to borrow his answeres without acknowledging so much, hath replied to the same. Thus therefore Card. *Bellarmino* argued from this example^h.

8 The second example, faith he, is 2. Paralip. 23. Where when *Athalia* had tyrannically vsurped the kingdome, and did maintaine the worship of *Baal*, *Ioiada* the high Priest called the Centurions and souldiers, and commanded them to kill *Athalia*, which also they did, and for her he created *Ioas* King. For that the high Priest did not commaile, but command, it is apparant by those word. 4. Reg. 11. And the Centurions did according to all things that *Ioiada* the Priest had commanded them. Also by those words 2. Paralip.

c P. 77. nu. 15.

4 Reg. 11.

f Apol. lib. 3. 64

& seq.

g Disp. Theol.

in Admon. 6.

h I. 5. de Rom.

Pontic. cap. 8.

ralip. 23. And *Ioiada* the high Priest going forth to the Centurions, and captaines of the armie, said to them, Bring her (*Queene Athalia*) forth without the precinct of the temple, and let her be killed with the sword without. And that the cause of this deposition and killing of *Athalia* was not only her tyrannie, but also for that she did maintaine the worship of *Baal*, it is manifest by those words, which are set downe immediately after her killing, Therefore all the people, saith the Scripture, entred into the house of *Baal*, and destroyed it, and they brake his altars, and his images, * *Mathan* also the Priest of *Baal* they slew before the Altars.

* *Simulacra.*

9 To this example I answered first, that if this argument of Card.

“ *Bellarmino* were of any force, as in very deede it is not, it would also de-

“ monstrate, that the *Pope* hath power to depriue Soueraigne Princes both

“ for heresie, Idolatrie, and also tyrannie, not only of their dominions,

“ but also of their liues, which, although I haue beforeⁱ euidently deduced to follow manifestly from his doctrine, yet he now bringing this

“ example of *Athalia* (who by the commandement of *Ioiada* the high

“ Priest was deposed and also slaine) for prooffe of his opinion, doth

“ cleerely insinuate the same. That this is clearely deduced from

“ his doctrine, I proued principally by this argument: for that,

“ according to Card. *Bellarmino*s doctrine, the *Pope* is the supreme

“ Prince of all Christians, yea and of Soueraigne Princes, not only

“ in spiritualls, but; also in temporalls in order to spirituall good, and

“ that in order to the same spirituall good he hath a most ample power in

“ temporalls, and so great, that greater there cannot be, and consequent-

“ ly he hath as great, and ample authoritie ouer temporall Princes in tem-

“ poralls in order to the same spirituall good, as temporall Princes haue

“ in temporalls ouer their subiects in order to temporall good, but tem-

“ porall Princes haue in order to the common temporall good, not only

“ authoritie to depriue them of their liues, but also, if the crime be pub-

“ like, and notorious, or if the knowne, and manifest perturburs of the

“ common temporall good be so potent, that they cannot without dan-

“ ger of rebellion, and great manslaughter be apprehended, the

“ Prince may without citation, defence, or procelle, condemne them

“ in their absence, and without their priuitie, (as there I proued out of

“ *Nauarre*,^k and *Sayrus*)^l and also he may giue leaue to priuate men to kill

“ such notorious malefactors by poyson, or in any other publike, or se-

“ cret manner, therefore the *Pope* may in order to spirituall good proceed

“ in the same manner with temporall Princes, who in order to spirituall

“ good are according to Card. *Bellarmino*s doctrine subiect to the *Pope* in

“ all temporalls.

10 Which doctrine of Card. *Bellarmino*, and others of his *Societie*, whose bookes haue beene therefore condemned, and some of them burned by a publike decree of the *Parliament* of *Paris*, how dangerous, and

ⁱ Num 43. &
Seq. & num.
329.

^k *Nauar.* in
Manual. cap.
15. num 10.
^l *Sayrus lib.* 7.
Theauri. cap.
11. num 11.

and prejudiciall it is, not only to the supreme authoritie of absolute *Princes*, who in temporalls are supreme, and subiect to none but God alone, by whom only with temporall punishments they can be punished, as I have proued in other places by the common consent of all the holy Fathers, and ancient Diuines; but also to their persons and liues, I have insinuated else where, and leaue it to the consideration of any iudicious man, especially considering that *Popes* are also now temporall *Princes*, and subiect to humane infirmities as other men are, who with the passions of fire, enuie, couetousnesse, and desire to augment and enlarge their temporall States and Dominions, may not only be moued, but vnder pretence also of aduancing, or defending the common spirituall good, may be sometimes ouercome; and moreouer, that, according to the doctrine of Card. *Bellarmino*, it belongeth to the *Pope* to iudge what hindereth, hurteth, or aduanceth the spirituall good, neither must his iudgement, or sentence be contradicted by any man, as it is declared in can. *Pastor*, and can. *Aliorum* 9. q. 3.

II Now you shall see, in what a shuffling manner *D. Schulckenius* would shift of this argument. And first heere he remitteth himselfe to the numbers 43. and 329. before cited, where he saith that he hath cleerely answered the argument; but how cleerely, or rather obscurely he hath answered the same, you shall presently perceiue. For as touching the principall argument, which I did set downe at large in the 43. number and seq. and haue briefly signified the same about, first he concealeth the whole prooffe of my consequence for sixe entire numbers together, and he only answereth thus: *I answer*, saith he, *that so prolix a discourse is needlesse: for there is none but seeth to what all this doth tend; neither is it a hard matter to solue the arguments; let them passe as not making to the purpose. For I haue above not once only commended that notable sentence of Pope Leo the great, and receiued by the Church in use, and practise, Ecclesiastica lenitas refugit cruentas ultiones; Ecclesiasticall Lenitie doth shunne bloody reuenings, or punishments: And afterwards he maketh a long discourse, that no Pope hath euer commanded the killing of Princes, or caused them to be slaine by priuie murderers: and that Princes neede not to feare, that any Pope will plot the death of any Prince. Wherefore let Widdrington cease by vaine words to put Secular Princes in feare, and to make the Pontificall power to be odious. The Pontificall power is instituted by the Saviour of mankind for the saluation, and not for the destruction of Princes. These arguments doe tend to no other end, then to prouoke the hatred of Princes against the Pope; for otherwise Widdrington was not ignorant, that Ecclesiasticall, especially Pontificall lenitie doth shunne bloody punishments.*

13 But first whether *D. Schulckenius* by this his answer doth intend to acknowledge, that the *Pope* in order to spirituall good hath authoritie

D. Schulcke,
in Apolog. ad
num. 363. pag.
556.

m Pag. 144.

n Cap. 9. ad nu.
329. p. 413.

o Cap. 10. ad
num. 318. pag.
490.

thoritie to take away the lives of wicked *Princes*, by all those waies publike, or priuate, by which temporall *Princes* haue authoritie in order to temporall good to take away the lives of their wicked and rebellious subiects, which I intended by that argument to conuince, in this place he speaketh doubtfully, and in expresse words doth neither say I, nor no, yet afterwards he doth plainly enough affirme the same, saying, *that Ecclesiasticall lenitie, for as much as concerneth the punishment of death, doth shunne bloody punishments, not for that it doth by the law of God want power to doe the same, but because it doth not beſeeme the Miniſters of Chriſt: and againe, It doth not belong, ſaith he, to the Ecclesiastical Court to giue ſentence of death, not becauſe the Church cannot abſolutely giue this ſentence, but becauſe it is not decent. And the Pope himſelfe might, if he ſhould iudge it expedient, both giue this ſentence, and alſo grant by a diſpenſation, that other Prieſts might doe the ſame. For we haue nothing, whereby it is forbidden, but the poſitiue Eccleſiaſticall law, wherein the Pope by the conſent of all men may diſpence.*

13 Secondly, this *Doctōr* doth egregiously, and againſt Chriſtian charitie, and iuſtice abuſe my innocencie, in miſconſtruing my good intentions, which, God is my witneſſe, are moſt pure and ſincere. For it was neuer my meaning, to make the *Sea Apoſtolicke* odious, or dreadfull to Chriſtian *Kings*, and *Princes*, but only to find out the *Catholike* truth plainly and ſincerely in a matter of ſuch great importance, which doth ſo neerely concerne the ſupreme authoritie of all temporall *Princes*, and the due obedience, which all ſubiects, of what religion ſoeuer they be, doe by the law of *Chriſt* owe to them in temporall matters. It is rather this *Doctōr*, and ſuch as embrace his deſperate principles, who by this their falſe, ſeditious, ſcandalous, and new broached damnable doctrine, and vnknowne to the ancient *Fathers*, and the primitive Church doe ſecke, as much as lyeth in them, to make the *Sea Apoſtolicke* odious and dreadfull to all Chriſtian *Princes*, and ſubiects. And if it be ſo eaſie a matter to anſwere my aforeſaid arguments, as this *Doctōr* affirmeth, why then doth he not anſwere them, but ſhifteth them over, with a *let them paſſe as not pertaining to the purpoſe*? Is it not to the purpoſe, that Card *Bellarmino*, and his followers ſhould force vpon the Chriſtian world the doctrine touching the *Popes* ſpiritual power to depoſe temporall *Princes*, as a point of *Catholike* beliefe, from which ſuch abſurd, dangerous, deſperate, ſcandalous, ſeditious conſequents, and not heard of before theſe miſerable times, doe evidently follow?

14 But ſuch ſtrang novelties muſt with ſhufflings, and ſhiftings be cunningly couered, and muſt not be cleerely knowne to Soueraigne *Princes*, and their ſubiects, leaſt for ſooth they make the *Sea Apoſtolicke* odious and dreadfull to Chriſtian *Princes*. Aſthough it were likely, that *Chriſt* our *Sauour* would giue to *S. Peter*, and his ſucceſſours any ſpiritual power, which ſhould be a ſufficient cauſe to make the *Sea Apoſtolicke*

populike odious to Christian Princes, or that the knowledge of true Catholike faith either concerning the Popes spirituall power to take away the crownes or liues of Christian Princes, or concerning any other thing could be a sufficient cause to make the *Sea Apostolike* odious to Christian Princes, more then the knowledge of true Catholike faith concerning the power of temporall Princes to take away the temporall goods, and liues of their subiects can be a sufficient cause to make temporall authoritie odious to Christian subiects. *Hofis Herodis impie Christum venire quid times*, said *Sedulius*, who flourished about the yeere 430. *Non eripis mortalia, qui regna dat celestia*, which is Englished thus. *That Christ is come why dost thou dread, O Herode, thou vngodly foe, He doth not earthly Kingdomes reave, that heavenly Kingdomes doth bestow*: But *Herode* might iustly haue replied, if this new broacht doctrine were true, yes I haue great cause to feare, for that not only *Christ*, but *S. Peter* also, and his Successours haue by their ordinarie commission authoritie to bereaue mee not onely of my kingdome, but also of my life.

15 And the same answer, which is also conforme to the doctrine of all the ancient Fathers, would *Sedulius* haue made to any Christian King, who should haue feared, that the Pope by his spirituall power might deprive him of his kingdome and life: to wit, that he neede not to feare the Popes power in that respect, for that *Christ* our Sauour hath giuen to the *Apostles* and their Successours the keyes of the kingdome of heauen and not of earthly kingdomes, to absolue from sinnes, not from debts, to binde the soule with the bond of *anathema* and not with chaines of Iron.

16 But although the Pope should haue power ouer the liues of Princes in order to spirituall good. yet Princes, sayth this *Doctour*, need not to feare, that the Pope will plot the death of any Prince, for that no Pope hath euer commanded the killing of Princes, or caused them to be slaine by prinie murderers, and it is well knownen, that Ecclesiasticall lenitie thunneth bloodie punishments. But first, if the Pope haue such a power, it is euident, that it is in his free choise and curtesie, to take away the life of any wicked Prince in order to spirituall good, as it is in the curtesie of a temporall Prince to take away the life of any wicked subiect in order to temporall good. Secondly, that the Pope is also bound, as I prooued against *Suarez*, to proceed against a Christian Prince, who is a knowne heretike, or persecutor of the Church, or publike enemy to spirituall good, in that manner, and by all those waies, publike or secret, by which a temporall Prince is bound to proceed against a publike traitour, a notorious robber and murderer by the high way side, and a knowne enemy to the common temporall good.

17 Thirdly, if no Pope hath euer plotted the death of any Christian

See Appendix
to Suarez part.
1. sec. 9. nu. 6. et
seq.

ilian Prince the reason heereof I thinke to be, for that there was neuer any Pope that held this newly inuented, and neuer before heard of bloody doctrine, that the Pope as Pope, or by vertue of his spirituall power, which by the law of *Christ* shunneth bloodie punishments, might in order to spirituall good deprive any man of corporall life, or concur to the effusion of blood: And therefore if those *Popes*, who haue been so vehement to maintaine their pretended power to deprive *Princes* of their kingdomes, had duely considered, what odious, detestable and bloodie conclusions doe evidently follow from that doctrine and position, I make no doubt, but that they would likewise from their heart haue detested, abhorred and vtterly forsaken, and caused to haue beene hissed out of Christian schooles the doctrine and premisses, from whence such horrible, hatefull and abominable conclusionis are so cleerely and certainly deduced. *Fourthly* therefore, although it be most true, that Ecclesiasticall lenitie doth shunne bloodie punishments, yet it is not for that the law of *Christ* doth forbid Ecclesiasticall persons to concur in any case to the effusion of blood, nor onely for that Ecclesiasticall persons are by the *Popes* lawes, which by force of the lawes doe not bind the *Popes* themselues, commanded not to inflict in any case bloodie punishments, or not to vse the materiall sword, but also for that it is not lawfull, according to the law of *Christ*, for Ecclesiasticall men, as they are Ecclesiasticall men, or for *Popes*, as they are *Popes*, or by vertue of their Ecclesiasticall power, to inflict temporall punishments, or which is all one, as I obserued before of *S. Bernard*, to vse the materiall sword.

18 Now you shall see how fraudulently, and insufficiently D. *Sculckenius* answereth this my argument at the number 335. where briefly I did onely touch the same, for at the number 43 & seq. where at large I prooued the same, he cunningly, as you haue seene, passeth ouer, onely with, *It is not a hard matter to solve the argument, let it passe as not belonging to the matter. That which Widdrington doth adioyne in the end*, sayth he, *that from the doctrine of deposing Princes it doth manifestly follow, that the spirituall Pastour may giue leave to priuate men to kill by any arte, or stratageme an hereticall Prince, as a certaine wolfe, is a most horrible slander, like vnto which I know not, that the breast of man hath at any time so despitely vttered. I see plainly, that Widdrington is in the gall of bitterness, and the obligation of iniquitie. For seeing that the opinion of Bellarmine is commonly receiued by the Catholike Church, and also confirmed by most frequent practise, whilest my Adversarie Widdrington doth propound and debate it as spitefully as possibly he can, he seemeth to haue no other purpose, then to bring the Vicar of *Christ* his Father and Pastour, whether he will or mill, into the hatred, and that most great of Princes, and to make all Catholike Diuines and Lawyers to be odious, yea and plainly, and*

p Part. 2. ca. 9.

q pag. 510.

A. 18.

of set purpose to sound the alarme, to call all Princes to armes against the Church of God, but iniquitie will belye it selfe.

19 For it is one thing to depose one for a iust cause, and another thing to kill him by priuie murderers. For it is oftentimes lawfull for one to depose, who may not lawfully kill, and oftentimes that is a cause of a iust deposing, which would not bee a cause of a iust killing: wherefore whatsoever it be concerning the truth of the consequent, which is not called in question, neither doth it make to the purpose, the consequence, which my Adversarie Widdrington doth inferre, is denied whilest he argueth thus: The Pope hath power to depose Princes, therefore also to kill them, &c. for from the power to depose doth not follow the power to kill. And to confirm it by examples: A Father may for some cause depose his sonne from the right due to the first begotten sonne, yet hee may not kill him, or giue leaue to kill him. A Master may depose a seruant from his office, yet hee may not kill him. A King may depose a Magistrate from his gouernment for some offence, for which hee may not iustly kill him. A Bishop may depose a Clerke, and yet hee may not soorthwith kill him. The Pope may sometimes depose a Bishop, and yet hee may not for the same cause iustly bereaue him of his life.

20 But. to omit the railing and slanderous speeches of this vncharitable Doctour, whereof I haue spoken somewhat aboue, and which more plainly will be discovered by laying open his manifest fraude, and fallacious dealing in answering my argument, marke, good Reader, I beseech thee, how foulely and shamefully hee seeketh to delude thee, in proouing the consequence of my argument not to bee good, but to bee false, and a most horrible slander, and whether of him selfe, or methat saying of the Prophet is verified, *mentis est iniquitas sibi, iniquitie hath belyed her selfe.* For it is one thing, saith this Doctour, to depose one for a iust cause, and another thing to kill him by priuie murderers. Who maketh any doubt of this? and oftentimes, saith hee, one may lawfully depose, who may not lawfully kill, and oftentimes that may bee a cause of a iust disposition, which is not a cause of a iust killing: And of this also speaking in generall, and abstracting from a supream power to depose and kill, and from the crimes for which one may lawfully bee deposed or killed there can be made no question. But what of all this? how can it from hence bee concluded, that from the doctrine of the Popes power to depose hereticall or wicked Princes in order to the publike spirituall good, which was the antecedent proposition of my argument, it doth not manifestly follow, that the Pope in order to the same spirituall good hath not also power to kill hereticall and wicked Princes and knowne perturbors of the common spirituall good, by all those wayes publike or priuate, and by all those Artes and Stratagemes, by which temporall Princes in order to the publike temporall good may kill

kill publike malefactours and perturbors of the publike temporall peace.

21 Wherefore, whatsoever it be, saith he, concerning the truth of the consequent, which is not called in question, nor maketh to the purpose, the consequence, which Widdrington inferreth, whilst he concludeth thus, The Pope hath power to depose Princes, therefore also to kill them, &c. is denied. But first, I would gladly know, wherefore this Doctor saith, that the truth of my consequent, which is, that the Pope hath power to kill Princes, is not called in question, nor maketh to the purpose. For if his meaning be, as it seemeth to be, that no Catholike affirmeth, that the Pope hath power to kill Christian Kings, for otherwise he would not so boldly have said, that I, by urging this argument, did impose upon the Vicar of Christ a most horrible slander, like unto which the breast of man hath neuer so desperately uttered, then, I say, the consequence of my argument is good, and to the purpose, and it proueth, that my Adversaries, by teaching, that the Pope hath power to depose Christian Princes, and not I, who doe not maintaineth that doctrine, doe consequently impose that most horrible slander upon the Vicar of Christ, our common Father, and Pastour.

22 For wherefore, thinke you, doth this Doctor deny the consequence of my argument? Marke, I pray you, his fallacious reason, and how he fraudulently altereth my argument, and cunningly chaargeth both the *subiect* and *predicate* of my antecedent proposition, upon which my consequence, and consequent doe wholly depend. For it did not follow, saith he, from a power to depose a power to kill. I neuer said, that from a power to depose in generall, doeth follow a power to kill, abstracting both from the persons, who are to depose and kill, and from the crimes, for which the persons that may bee deposed, may bee killed: but my argument did specifie in particular, as well the persons, who were to depose and kill, as the causes and crimes for which one may by them bee deposed or killed. And I affirmed, that from the doctrine, that maintaineth the Popes power to depose heretical Princes, and publike enemies to the common spirituall good, it doeth evidently follow, that the Pope in order to the same publike spirituall good hath also power to kill such Princes: and that therefore this argument was good; The Pope in order to the common spirituall good hath power to depose absolute Princes, if the crime deserue deposition, therefore in order to the same spirituall good he hath power also to kill them; if the crime deserue corporall death.

23 And the reason, or ground of my consequence was, for that, according to the doctrine of Card. Bellarmine, and those that maintaineth the Popes power to depose Soueraigne Princes, for this cause and reason they grant unto the Pope a power to depose Princes in order to spirituall good,

good, for that they graunt the *Pope* to haue in order to spirituall good *potestatem summam in temporalibus*, so great a power in temporals, that none can be greater, and therefore as great a power in temporals, as temporall *Princes* haue. Whereupon they are not afraid to affirme, that all Christian *Princes*, *Kings*, *Emperours* and *Monarches* are the *Popes* subiects in temporals in order to spirituall good, as other inferior persons are subiect to temporall *Princes* in temporals in order to temporall good: But a temporall *Prince* hath in order to temporall good authoritie not onely to take away the lands and liues of their subiects, if the crime deserue that punishment, and the common temporall good doth require the same, but also, if the crime be publike and notorious, and the malefactours, or perturbors of the publike temporal good be so potent, that without rebellion, or great temporal harme they can not be apprehended, he hath authoritie to condemne them priuately, and in their absence, without any proceffe, citation or defence, and afterwards to giue licence to any priuate man to bereaue them of their liues by any arte or stratageme, and by any publike or priuie way: therefore the *Pope* according to these desperate grounds and principles, which graunt him *potestatem summam in temporalibus*, hath the like authoritie ouer temporall *Princes* in order to spirituall good, who, according to this false and scandalous doctrine, are in order to spirituall good subiect to the *Pope* in temporals. This was my argument.

24 Wherefore, my consequence was onely concerning the *Pope*, to whom is therefore graunted by my *Adversaries* a power to depose *Princes*, for that he hath in order to spirituall good *potestatem summam in temporalibus*, so great a power in temporals that none can be greater: for a *supreme* power in temporals doth necessarily include a power both to depose and kill, if the crime deserue the same. And therefore who would not admire, or rather pitie, that so learned a man, as is he, who is reputed to be the true *Author* of this booke, should bring such vnlearned instances from those, who haue not a *supreme* power in temporals, or if they haue from a crime, which doth not deserue death, to impugn my consequence, which speaketh both of one, who is supposed to haue a *supreme* power in temporals, and also of a crime, which is so heynous, that according to the law it deserueth death, if it were committed by subiects or priuate men.

25 For the consequences of those *five* examples, which this *Doctor* hath brought to impugn my argument, are all defectiue, either for that the persons, who are to depose, and therefore to kill, are not supposed to haue *supreme* power in temporals, to wit, euery Father, Master or Bishop; or else, because the crime, for which the persons there specified may be deposed, doth not deserue so great a punishment, as

is death. But if we once suppose a Father, Master and Bishop to have a *supreme* power in temporals ouer their sonnes, seruants and Clerkes, as the *Pope* is supposed by my *Aduersaries* to haue ouer all Christian *Princes*, and also the crime to deferue death, then, I say, it doth evidently follow, that if such a Father hath power to depriue his sonne of his inheritance, he hath also power to depriue him of his life, not for that a power to kill is necessarily annexed to euery power to depose, but to such a power to depose, which is a *supreme* power ouer all temporals, or rather for that a power to depose and to kill, to take away goods, and life are necessarily included in euery *supreme* power to dispose of all temporals. And therefore all the shuffling, shifting and cunning of this *Doctour* will neuer be able to weaken the force of my consequence, but this consequence will euer remaine good and strong, that if the *Pope* hath power to depriue temporall *Princes* of their kingdoms, for that he is their *supreme* Lord in temporals in order to spirituall good, it doth necessarily follow, that he hath power also to depriue them of their liues, if the necessitie of the common spirituall good require the same. And therefore, although the opinion of Card, *Bellarmino* be receaued, not by the *Catholike Church*, as this *Doctour* vntreuely affirmeth, but by many *Catholike Doctours*, and confirmed by the often practise of many later *Popes*, yet alwaies contradicted by *Catholike Kings* and subiects, neuerthelesse, if these *Catholike Doctours* and *Popes* had duely considered, what odious and detestable consequences doe follow from that opinion, they would forthwith in my iudgement haue detested the premisses from which such hatefull conclusions, (and which this *Doctour* seemeth here so greatly to abhorre, that he feareth not therefore to accuse me of imposing a most horrible slander vpon *Christs Vicar*) are most cleerly and certainly deduced.

26 Wherefore to concludethis point, that which this *Doctour* answereth *secondly*, concerning *Athalia*, who was slaine by the commandement of *Ioiada* the high Priest, is nothing to the purpose. To this argument, sayth he, *I answer now, that examples are to be taken according to the conuenience of the matter and persons. In the old Testament Priests did make warre, and fight with the rest of the Israelites against their enemies, but in the new Testament Priests doe abstaine from the shedding of blood, and if they find any to be worthy of death, they deliuer them ouer to the Secular power to be punished.* But this, I say, is nothing at all to the purpose: For my argument was not concerning inferiour Priests, but onely concerning the *Pope*, neither also what *Popes* in practise, and *de facto* doe, but what according to the institution of *Christ* they haue authoritie to doe. Now it is euident and approoued by the common consent of *Catholike Diuines*, that the shedding of blood is not by the institution of *Christ* forbidden either the *Pope*, or inferiour Bi-

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shops and Priests, who therefore with the *Popes* licence make warre, and concurre directly to the effusion of blood, as oftentimes they haue done, yea now at Rome all effusion of blood by a iuridicall sentence, and condemning malefactours to death, and all making of warres by the *Popes* subiects are deriued from the *Popes* authoritie, not as he is *Pope*, but as he is a temporall *Prince*; for that which I contend is, that *Priests* neither in the old law, nor in the new, as they are *Priests*, or by their *Priestly* power, haue authoritie to condemne any man to death, or to inflict any temporall punishment, as death, exile, priuation of goods, imprisonment, or the like.

27 Secondly and principally to this example of *Athalia* I answered, f that it is vntrue, that *Ioiada* the high Priest, did, as Card. Bellarmine af. (Apolog. um. 366. & seq. firmeth in this place, create *Ioa* King, that is, did giue him a right, or true title to reigne, which before he had not, seeing that the true dominion and right to the kingdome, did by hereditarie right belong to *Ioa*, presently after the death of his brethren, whom wicked *Athalia* had treacherously slaine, although *Athalia* did tyrannically vsurpe the possession thereof: For it is not vnusuall for one to possesse sometimes either with a good, or bad conscience, that thing whereof an other man is the true lord or owner; And therefore betwixt right and possession a great difference is commonly made by all Diuines and Lawyers. Wherefore *Ioiada* in killing *Athalia* did no other thing, then what euery faithfull subiect ought to doe in such a case. For seeing that for his innocent life, opinion of sanctitie, and the dignitie of his office, he was in great veneration among the people and *Peeres* of the kingdome, his authoritie, or fauour did preuaile so much with them, that all men with vniforme consent would very easily be drawn, especially by his perswasion to kill the treacherous vsurper, and to seate the lawfull King, who was vniustly detained from the possession of his kingdome, in the possession thereof. But this did onely argue the strength and power of *Ioiada*, and his great fauour with the people and *Peeres*, and not any authoritie in him to create a King, who by right was not a lawfull King before.

28 Wherefore from this example of *Athalia* nothing at all can be by any true, or probable consequence bee concluded in fauour of Cardinal Bellarmine: because from the holy Scripture it cannot sufficiently be gathered, either that *Athalia* was by the commandement of *Ioiada* slaine for Idolatrie, but onely for manifest tyrannie, for that shee had cruelly murdered the Royall issue, and had vniustly vsurped the kingdome, the true heire being aliue, and therefore shee could not bee the lawfull Queene, or that *Ioiada* the high Priest did command her to be slaine by his owne proper authoritie, but by the consent of the King, *Petres*, and people. And therefore this example doeth nothing auaille

to proue, that true *Kings*, and *Princes* (albeit heretikes, and Idolaters) who are in lawfull possession of their kingdomes, may bee deprived of their kingdomes, or liues by the *Popes* authoritie,

29 This *second*, to wit, that *Ioiada* the high *Priest* did onely by his aide and counsell sollicite, and not by his owne proper authoritie, but with the consent of the States command in the *Kings* name *Athalia* to bee slaine, is manifest by those words; And in the seventh yeere *Ioiada* taking courage tooke the *Centurions*, &c. and made a covenant with them (to wit, to kill *Athalia*, and to seate *Ioa* the *Kings* sonne, and lawfull King in the possession of his kingdome, which shee had vniustly vsurped) who going about Iuda, saith the Scripture, gathered together the *Leuites* out of all the cities of Iuda, and the *Princes* of the families of Israel, and they came into Hierusalem. Therefore all the multitude made a covenant with the King in the house of GOD: And *Ioiada* said to them, Behold the *Kings* sonne shall reigne, as the Lord hath spoken, upon the sonnes of David: which words the *Glosse* expounding, 4. Reg. 11. writeth thus. Heere is described the institution of the true heire, (whom also hee calleth the due King) through the carefulnesse of *Ioiada* the high *Priest*, seeking thereunto the assent, and aide of the *Princes*, and Nobles of the kingdome, when it is saide, And hee made a covenant with them. Wherefore that commandement, which *Ioiada* gaue to the *Centurions* to kill *Athalia*, did proceede from that former couenant, which before hee had made with them, and the King. And therefore as euery priuate subiect may, and ought to command any man in the *Kings* name to aide him for the apprehending of a traitour to his Prince, and Countrey without hauing any authoritie proper, or peculiar to him to doe the same, so it is not necessarie, that any peculiar authoritie to command bee giuen to *Ioiada*, onely for that hee with the consent of the King, and the comon wealth commaunded *Athalia* vniustly vsurping the kingdome to bee slaine: although wee should vnderstand that commandement of *Ioiada*, of a commandement being taken strictly, and not largely, or commonly, in which sense to command doth little differ from to counsell, or perswade.

30 But the first, which is affirmed by *Cardinal Bellarmine*, to wit, that *Athalia* was slaine not onely for tyrannie, but also for idolatrie (albeit if this were true, it nothing auaieth to proue, that a true, and lawfull Prince although an Idolater may lawfully be slaine, seeing that it is manifest, that *Athalia* was not a true and lawfull Queene, but an vsurper of the kingdome, the true heire being alieue) hee very insufficiently concludeth from the holy Scripture, seeing that he relateth not truly those words, which doe immediately follow the killing of *Athalia*. For those words, Therefore all the people entred into the house of Baal, and destroyed it, and they brake his Altars and his Images, doe not

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immediately follow either 4. Reg. 11. or 2. Paralip. 23. the killing of *Athalia*, as *Cardinall Bellarmine* vntreuly affirmeth (intending to proue from thence that shee was slaine for idolatrie) but these wordes doe immediately follow her killing: *And ioiada made a comenat betweene himselfe and all the people, and the King, that they would bee the people of the Lord*: and after them doe immediately follow those words related by *Cardinall Bellarmine*; *Therefore all the people entered into the house of Baal, and destroyed it, &c.* Wherefore these last words, which he bringeth for his onely ground, are not so much to bee referred to the killing of *Athalia*, as to the couenant made after *Athalia* was slaine betwixt *ioiada*, the people, and the King, that they would bee the people of God; through which couenant made with God, that they would bee his people, they were moued to destroy the house of *Baal*, and his Images. Therefore *Cardinall Bellarmine* doeth not well conclude from this place, that *Queene Athalia* was slaine either by the proper authoritie of the high Priest, (as hee was high Priest) or for Idolatrie in doing worship to *Baal*. And although wee should also graunt him both, yet how vicious it is to draw an argument from the killing of an vnlawfull *Queene* and vniuittly vsurping the kingdom to proue that a true King, who is an Idolater, may lawfully bee slaine, any man that is not voide of naturall reason may presently perceiue. Thus I answered to this example of *Athalia* in my *Apologie*.

31 Now you shall see what a weake, fallacious, and slanderous Reply *D. Schulckenius* hath made to this my answer. I answer, saith hee, ^r that *Athalia* without doubt did tyrannically innade the kingdom, but seeing that shee ruled peaceably for sixe yeeres, it is credible, that by little and little by the consent of the people shee did get a lawfull right to the kingdom. For so many Kings, who are Tyrants in the beginning, are afterwards by the consent of the people made lawfull Princes. Surely *Octavian Augustus* himselfe, who is numbred among the best Princes did oppresse the common wealth by force, and armes, and spoiled her of her libertie, yet afterwards by the consent of the people hee began to bee accounted a lawfull Prince, and did lawfully transfer the Empire to his posteritie. *Otho* killed *Galba*, *Vitellius* killed *Otho*, *Vespasian* killed *Vitellius*, *Philip* killed *Gordian*, and yet they were all saluted Emperours by the Senate, and people of Rome. How did the *Ostrogoths* innade and possesse *Italie*, the *Viligoths* *Spaine*, the *Francks* *France*, the *English* *Britanie*? and yet afterwards by the consent of the people they were accounted lawfull Kings of those Dominions.

32 But any man though of meane vnderstanding may easily perceiue the weakenesse of this his first Reply. For first the maine controuerfie betwixt mee, and *Cardinall Bellarmine*, as I haue often

signified in other places, at this present onely is, whether it be *certaine*, and a *point of faith*, and by *demonstrative* arguments it can be convinced, that the *Pope* hath power to depose temporall *Princes*, and hee pretendeth to *demonstrate* the same, and therefore hee calleth thise contrarie opinion, not so much an opinion, as an *heresie*, and his doctrine to bee the doctrine and voyce of the *Catholike* Church which every Christian is bound to heare and follow, otherwise hee is to bee accounted as a *Heathen*, and a *Publicane*, and now this *Dissolour* for prooffe of this his new *Catholike* faith bringeth a bare *credibile est*, it is *credible*, or which in sense is all one, it is not *incredible*, that although *Athalia* was without doubt an *usurpess* in the beginning, yet afterwards by the consent of the people shee was lawfull *Lucene*, or did get a lawfull right to the kingdome, as though a bare *credibile est*, and sleight coniectures of his owne inuention are sufficient proofes to *demonstrate* a matter of so great moment, as is the *Popes* authoritie to take away the kingdomes, and liues of *Soueraigne Princes*, who in temporalls are subiect to none, but to God alone.

33 Obserue now, good Reader, the reason, for which this *Dissolour* affirmeth, that it is *credible*, that *Athalia* did by little and little by the consent of the people get a lawfull right to the kingdome: Because, forsooth, she reigned peaceably sixe yeeres together: as though either sixe yeeres prescription, or peaceable possession is sufficient to giue to a most cruell Tyrant and Usurper, a true and lawfull right to the kingdome, which he hath tyrannically vsurped, especially the true and lawfull heire being alieue, or that sixe yeeres peaceable possession can be a *credible* presumption, that the whole common-wealth hath giuen their free, hearty and altogether willing consent, that the said vsurper should be their true, and rightfull King: or thirdly, that the common wealth can depriue the true heire, and rightfull King of his right to the kingdome without any fault, or negligence committed by him, and giue it to another, who hath no right thereunto. For it is the common doctrine of the Lawyers, as *Molina* well obserueth, that ten yeeres, at the least, are required, that a priuate man may against another priuate man get by prescription a lawfull right to any immoueable thing, as lands, houses, or the like, which hee *bona fide*, with a good conscience possesseth: and to get a lawfull right by prescription, to those lands, or houses, which belong to the Crowne, and yet may bee prescribed by a priuate man, are required a hundred yeeres: for those things, which are intrinsically due, and proper to the Prince in signe of subiection due to him by his subiects, as is the paying of tributes, and which doe belong intrinsically to his supream temporall power, as to punish offenders, to bee subiect to the lawes, to appeals to him from inferior

Iudges,

Molina de
Inst. trac. 2. diff.
69. & 74.

Judges, cannot by any subiect, by continuall possession of neuer so long a time be prescribed: besides that, it is a common and approved rule of the law, *that whosoever possesseth any thing with a bad conscience can neuer prescribe*, or get a lawfull right to the thing which he possesseth. See *Molina tract. 2. de Iustitia disput. 72. 73. 74. and Lessins disp. 2. cap. 6. dub. 8. & 12.*

34 And therefore can any man be so senselesse as to imagine, that only *six* yeeres possession are sufficient for a notorious tyrant, and manifest vsurper, who therefore can not with any probable presumption be thought to possess with a good conscience the kingdom; to get by prescription a lawfull right to a whole Realme, against the true and rightfull heire, who is living? *There is this deceit*, saith *Gregorius Tholosanus*, of Tyrants, or Vsurers, *that after they have invaded the kingdom, they would be partakers of the titles, or rights of the true Princes, whom they haue dethroned, by using the generall Assemblies of the people, or by forcing the authoritie of some Superiour: which neuerthelesse doth not make them not to be true Tyrants, and not to be contained in the lawes of Tyrants; unlesse, as some are of opinion, after they have vsurped the kingdom, they wholly resigne that authoritie, and submit their forces with their person to the iudgement of those, who may lawfully giue the kingdom; or unlesse after they haue by tyrannie obtained the kingdom, they with their progenie doe by prescription get a lawfull right to the Soueraignie by possessing it a hundred yeeres or more.*

(Regula possessor de Reg. iuris in 60. and all Diuines that write de Iust. & Iure, as Sotus, Salen. Aragona &c.

Gregor. Tholos. lib. 26. de Repub. cap. 7. num. 4.

35 Secondly, there is no likelihood, that if *Athalia* had demanded the consent of the people, or common wealth, whereof neuerthelesse there is no mention made in the holy Scripture, they would haue giuen their free, hearty, and willing consent thereunto. And first, as noteth *Abuleusis*, *for that she was a woman, and it was a disgrace to them to haue a woman, who especially had no title to the kingdom, to rule ouer them by their owne free and voluntarie consent.* Secondly, for that she was greatly hated by the people, both because she had most barbarously murdered her owne sonnes children, and all of the blood Royall, and also for that she was daughter to *Achab*, whom the people of *Iuda* did grieuously hate, because by the meanes of his issue many mischiefs happened to them, to wit, for that the house of *Achab* had instructed the *Kings* of *Iuda* in euill; and for this the people of *Iuda* suffered many euills for the sinnes of their *Kings*, as it fell out in the time of *Ioram*, who was a most wicked man by reason of the alliance hee had made with the house of *Achab*, for this *Ioram* married this wicked *Athalia*, who was daughter to *Achab*: and for this God sent enemies into the land of *Iuda* who destroyed a great part thereof, and they spoiled all the substance that was found in the *Kings* house, as it may be scene 2. Paralip. 21.

2. 4. i. cap. 11 lib. 4. reg.

36 Moreover seeing that there had beene so long strife, and contention betwixt the tribe of *Juda* and the people of *Israel* about the Soueraignitie (for there was neuer true and constant amitie betwixt them, and the tenne Tribes from the time of King *Ieroboam* to *Achab* the father of *Athalia*) it is not credible, that the people of *Juda* would now yeeld vp the bucklars, and freely without feare and compulsion give there consent, that *Athalia*, a woman, and not of their tribe, an *Idolater*, an *Vsurper*, and who barbarously massacred all the *Royall* issue of the lineage of King *Dauid*, should now reigne ouer them, and sit in the throne of King *Dauid*, to whom they knew God had promised; that his seede should reigne ouer the people of *Israel* for euer.

4. Reg. 11. &
2. Paral. 23.

v In fine cap.
11.

37 Besides, that the people did not give their consent heartily, willingly and freely, that *Athalia* should reigne ouer them, or at the most that can be imagined, only vpon supposition that there was none of the blood *Royall* left aliue, it is manifest by the greatiory, which all the people tooke at her death, and at the crowning of King *Ioas*, *Ezechusque est omnis populus terra*, saith the Scripture, & *cinitas conqueuit*, And all the people of the land reioiced, and the Citie was quiet: for that they saw their King, saith *Abulensis*, "sit peaceably in his throne, and because whilist *Athalia* liued the people were greatly troubled, but now she being slaine all were quiet. I said heartily, willingly and freely, because the consent of the common wealth in the approbation of such a King ought to be most free; for if it be enforced from them by any feare or violence it is not be accounted a sufficient consent, but a constraint or compulsion, as may easily be gathered from the doctrine of *Gregorius Tholosanus* before related: and also because the contract betwixt the King, and the Common wealth is a certaine kind of marriage, wherein as in carnall, and also in religious matrimonie by making a solemne vow to God in an approued Religion, if the consent be not most free, it can not be called a sufficient consent, but a constraint, and the contract is not of force before God, as all Diuines, and Lawiers doe affirme; but the people of *Juda* had iust cause to feare the crueltie of so barbarous a woman, who feared not to murder her owne grandchildren, and all the blood *Royall*, and therefore by all likelihood would not spare any other, that should resist her tyrannie.

38 Lastly, it is not credible, that the people, and Princes of *Juda* would freely, and willingly consent to such a new, and exorbitant action, as to make an *Idolatreffe* their rightfull *Queene*, without the consent of the *Priests*, and *Leuites*, and that the *Priests*, and *Leuites* would give their free consent, without the priuie and approbation of the high *Priest*, whose office was to instruct, and direct the people in all difficult matters concerning the law of God: But it is euident, that the high *Priest* neither did, nor would give his free consent, if it had beene

beene demanded, to such a wicked action; both for that he should haue beene a traitour to his lawfull King; whom he kept secret in the house of God for feare of *Athalia*, and also for that he should haue transgressed the law of God, in honouring an Idolatresse with the true title of a lawfull *Queene*, who was to be put to death according to the law; which is not to be presumed of so holy a man, as *Ioiada* was, whose aduise so long as King *Ioa* followed, he did not fall from God, according to that of 4. Reg. 12. *And Ioa did right before our Lord, so long as Ioiada the high Priest taught him.* And therefore this consent of the people, which this *Doctor* saigneth, is altogether incredible, and is neither grounded in the holy *Scripture*, nor in any other probable reason. Neuerthelesse I will not deny, but that *Athalia* being the Kings mother, and hauing in his absence the custodie of his Pallace, treasure, and forces, and also hauing cruelly slaine all her grand children, (as she, and the people also thought) might haue many fauourers, either for feare, or gaine, but that the people, Princes, and Priests, did either in any publike assembly, which representeth the body of the common wealth, or also in their hearts without any such assembly, giue their free consent to make that wicked *Athalia* their rightfull *Queene*, it is altogether improbable, and hath no colour at all of *credibilitie*.

39 But be it so for Disputation sake, that the people, imagining vpon a false ground, that none of the blood *Royall*, and who by inheritance had a lawfull right to the Kingdome of *Iuda*, were aliue, were content, that *Athalia* should be their rightfull *Queene*, yet that this consent of the people did giue her a true lawfull right to the Kingdome, the true King, and rightfull heire being aliue, as this *Doctor* affirmeth, is a very false, and seditious doctrine, and iniurious to the true rights of all *Soueraigne Princes*, who haue right to their Kingdomes by inheritance, but especially of those of the Kingdome of *Iuda*, which by a peculiar, and special promise of God, was given to King *Dauid*, and his seed for euer, from whom *Queene Athalia* did not descend. And therefore *Fa. Becanus*, who in the former edition of his *Controuersia Anglicana* taught this pestiferous doctrine, fearing belike least it would haue beene censured by the *Vniuersitie* of *Paris*, as in very deede it had beene, * if some had not cunningly preuented the same, by procuring it to be first condemned at *Rome* by a speciall command of his Holinesse (as containing in it somethings, which are false, seditious, scandalous, and seditious respectiue) vntill it should be corrected, was carefull, that in the later Edition of his booke, which was forthwith published, this dangerous position should be quite blotted out: And yet this *Doctor* following therein *Card. Bellarmine* in his booke against *D. Barclay*, is not afraid most desperately, and seditiously to renew the same. But with what strang paradoxes, and seditious doctrines these vehement mani-

tainers

x As it may
appeare by the
Acts of the
Facultie of Pa-
ris held in
their ordinari
Congregation
the first day
of February
in the yeere
1613.

y By a peculiar
decree against
his booke dated
at Rome the
third day of
Iauuarie
1613.

tainers of the *Pope's* authoritie to depose *Princes*, and to dispose of all temporalls, being so famous for their learning, so reuerent for their Order, so great in authoritie, so potent by friends, and so violent in maintaining their nouelties, wil in the end infect a great part of the *Church of Christ*, whereof these men are accounted to be the chiefe pillars, vnlesse God by his infinite mercy preuent their exorbitant courses, I tremble to consider, and how little beholding are *Sauernigne Princes* to such extravagant Writers, who will also haue their people, who are subiect to them, to haue authoritie ouer them in temporalls, and to take away their lawfull right, which they haue to their *Crownes*, and to giue it to another, who by inheritance hath no true right thereunto, and that without any fault, or negligence committed by them, any prudent man may easily perceiue.

2. Cap. 38.
paragraph 2.

40 To conclude therefore this point, that which this *Doctor* addeth concerning those *Emperours* and *Kings*, who although in the beginning were *Tyrants*, and *Vsurpers*, yet afterwards by the consent of the people, and of those, who had true right to those kingdomes, were made lawfull *Princes*, are nothing like to this example of *Queene Athalia*; and all those examples are particularly answered by Mr. *Iohn Barclay* against Cardinal *Bellarmino*, who also in the very like words vged the same: Neither can they be rightly applied to the kingdome of *Iuda*, which by the expresse promise, and appointment of almightie God was due to the posterity of *King Dauid*: neither was it in the power of the *high Priests*, *Princes*, and people without violating the ordinance of almightie God to transerre the kingdome of *Iuda* from the race of *King Dauid* to another tribe, and especially to an *Idolatresse*, as was wicked *Athalia*, who by the Law of God, as being a subiect, was commanded to be put to death.

41 Wherefore this, which this *Doctor* in the end adioyneth [to wit, that the Scripture doth manifestly teach, that *Ioiada* together with the people did make *Ioas* King, and they made him King, 4. Reg. 11. & 2. Paralip. 23. & cap. 24. *Ioas* was seven yeeres old when hee beganneto raigne, where the beginning of his kingdome is put from the death of *Athalia*, and his institution to be King: and although before his coronation the Scripture called him King, 2. Paralip. 23. this was onely by anticipation as a designed King, and therefore hee was first called King, and afterwards it is said, he shall raigne, because he was a King not present but future] this I say is either a manifest equiuocation, or a plaine vntruth; for if he meane, that they did make him King, that is, did put him in possession of his kingdome, which was wrongfully, and tyrannically kepe from him by *Athalia*, or which is all one, they did make him King, *de facto*, or to raigne, *de facto*, this is most true, and the Scripture doth plainly shew the same; but if he meane, that they did make him King, *de iure*, and

and giue him his right to the kingdome, as though before their making him King he had not right to the kingdome, and was not King, *de iure*, it is most false, and also implieth a very seditious doctrine, to wit, either that those, who are Kings by hereditarie succession, doe not, as other heires, albeit they be in minoritie, succede in all their Fathers rights presently after he is departed the world, or else that the people may depriue them of their lawfull right to the kingdome, without any fault, or negligence committed by them.

42 And to this I plainly answered before, as you haue seene, in my *Apologie*, by declaring the sense of those equiuocall words, *they created, or made Ioas King*: for I said in expresse words, [that it is vntue, that *Ioiada* the high Priest, did create *Ioas King*, as Cardinal *Bellarmino* affirmeth, that is, did giue him a right to reigne, which he had not before, seeing that presently after the death of his brethren, whom wicked *Athalia* had treacherously murdered, the true dominion, and right to the kingdome did by inheritance belong to *Ioas*, although *Athalia* did tyrannically keepe the possession.] For as soone as a King is dead, the next heire apparant to the Crowne is forthwith the lawfull King, neither doth his anointing, crowning, or acceptance of the people giue, but onely confirme his former Kingly right. And this is to cleere, that neither Cardinal *Bellarmino*, nor this *Dollour*, if they be not the same person, dare deny the same: but such false and seditious positions cannot but by equiuocations with any shew of *credibiltie* be maintained. If this *Dollour* had declared the ambiguitie of those words [*they did make him King*] as I did, the Reader would quickly haue perceiued, that out of those wordes of holy Scripture it cannot be prooued, that *Ioiada* with the people *did make Ioas King*, that is, did giue him a lawfull right to the kingdome, which before he had not, but onely, that *they did make him King de facto*, and put him in possession of his kingdome, whereof before he was King *de iure*, although the possession was tyrannically kept from him by *Athalia*. And thus much concerning the *incredibiltie* of this *Dollours credible eff.*

43 Now you shal see, how weake, fallacious, and slanderous are the other *Replies* of this *Dollor* to the rest of my answer. For whereas I affirmed, as you haue seene, that *Ioiada* in killing *Athalia* did no other thing, then which euery faithfull subiect ought to doe in such a case, this *Dollor* very falsly, and slanderously affirmeth, that *Widdrington* doth beere in plains words giue occasion to subiects to rebell against their Kings, and to kill them, and if they thinke, that any man hath by an ill title vsurped the kingdome, they may, and not onely may, but also are bound to kill such a King, &c. But marke his words, I answer, saith he, ^a that my Adversary ^a Pag. 560. *Widdrington* hath sometimes falsly and slanderously objected to *Bellarmino*, that he should giue occasion to subiects to rise up against their Kings
and

and to kill them: and now he in plaine words doth teach the same. For Athalia a Kings wife, a Kings mother, and now her selfe a Queene reigned peaceably the seventh yeere, she was accused by no man, condemned by no Iudge, and yet Widdrington doth contend, that it was lawfull for the high Priest (who according to his opinion, and words was a subiect) to exhort the people to rebellion, and with the Peeres and people to conspire against the Queene, and to kill her.

44 But, saith Widdrington, she had vsurped the kingdome tyrannically. I answer, Be it so; but now the people assenting, shee reigned the seventh yeere. Who gave to subiects authority over their Prince peaceably reigning? Who indged at that time Athalia to be a Tyrant, not a Queene, if she did not acknowledge a Superiour to her? Let my Adversary Widdrington diligently consider, whether it be not by farre more dangerous to the life of Kings and Princes, and to the safetie of Kingdomes and Commonwealths, to give power to the people, and to subiects, to rebell and conspire, and at the last to kill Kings, whom they (rashly oftentimes and falsly) accuse Tyrants, then to say, that in the Pope, as head of the vniuersall Church, and Christs Vicar, is a iudiciall power to iudge Kings, and if they deserve it to depose them^b: For who maketh any doubt, that Kings are safer, if they be subiect to the Popes equity, and gravity, to which Christ hath subiected them, then if they be subiect to the rash lenity of the people, to which my Adversary Widdrington doth subiect them?

b Why doth he
not adde also
to kill them,
as Ioiada did
Athalia.

45 Euery faithfull subiect, saith Widdrington, ought to doe in the like case, that Ioiada did by killing Athalia. What did Ioiada? Athalia a Kings wife, a Kings mother, hauing killed all the Royall issue (as it was thought) had vsurped the kingdome of Iuda, possessed the same peaceably now the seventh yeere: Ioiada the seventh yeere commanded her to be slaine, she suspecting no such thing: and declared Ioas to be King. The same saith my Adversary Widdrington, euery faithfull subiect in the like case ought to doe: that is, euery faithfull subiect, if he thinke, that one hath by an ill title vsurped the kingdome, may and not onely may, but also altogether ought to kill such a Prince, notwithstanding that he hath possessed the kingdome peaceably now many yeeres, that all the people haue obeyed him many yeeres, that this Prince acknowledgeth no Superiour, that he is not rightly, or as it should bee, accused, heard, condemned to haue vsurped the kingdome by an ill title.

46 I declare it by an example. Let vs suppose, that Elizabeth did by an ill title vsurpe the kingdome of England, and that the same by all right was fallen to the most excellent, and most holy Mary Queene of Scotland, and after her to her sonne now the most excellent, and most potent King of great Brittain. In the meane time Elizabeth possessed the kingdome peaceably for many yeeres; and did gouerne all things belonging to Kingly function no man contradicting; that shee was condemned by no man, what doe I say

con-

condemned? that shee was accused by no man to vsurpe the kingdome tyrannically; what ought the subiects here to doe? Euery faithfull Subiect, sayth my Adversarie Widdrington, ought in the like case to doe that Ioiada did by killing *Athalia*, that is, he ought to kill Queene Elizabeth, and to transferre the kingdome to Mary and her sonne.

47 Behold O Kings and Princes, you haue one, who is carefull of your securitie. So obseruant of your Royall Maiestie are they, who doe violate and calumniate the Pontificall authoritie. Euery subiect, sayth Widdrington, not onely may, but also ought to doe in the like case that Ioiada did. O miserable state of Princes, whose kingdome and life is subiect to the iudgement of euery private man? If Card. Bellarmine had written the like thing, what tumults would not my Adversarie Widdrington make? what clamours would he not raise? Thus writeth this Doctour.

48 But how false, fraudulent and vnconscionable is this Doctours Reply, I haue most cleerely conuincied heretofore. For I neuer affirmed, as this Doctour most slanderously and shamefully impositeth vpon me, that euery faithfull subiect, if he thinke any one to haue by an ill title vsurped the kingdome, not onely may, but also ought to kill such a King. I onely said, that Ioiada in killing *Athalia* did no other thing then that euery faithfull subiect ought to doe in the like case. Nowe this Doctour cleane altereth the case, and turneth it from the case of Ioiada in killing *Athalia*, which was this: *Athalia* daughter to *Ahab* king of *Israel*, and wife to *Ioram* King of *Juda*, and mother to *Ochozias* King *Iorams* sonne, who then reigned, hearing that her sonne King *Ochozias* was slaine by *Iehu*, did cruelly murther all the Kings stocke of the house of *Ioram*, as she thought, thereby to vsurpe the kingdome her selfe. But *Iosabeth* King *Iorams* daughter, the sister of *Ochozias*, and the wife of Ioiada the high Priest, taking *Ioas* the sonne of *Ochozias*, stole him out of the middelt of the Kings children, that were slaine, and his nurse out of the bed-chamber, and hid them in the temple, where they liued with Ioiada, and *Iosabeth* sixe yeeres, in the which *Athalia* reigned ouer the land. But in the seuenth yeere Ioiada taking courage (for all the time before both *Ioas* was very yong, and now began to haue some vnderstanding, and hee also feared the power of *Athalia*, and by little and little procured the fauour of the people and souldiers to take his part in so iust a cause) sent for the Centurions, and communicating the whole matter with them, made with them a couenant adiuuring them in the house of our Lord, to wit, that they would constantly take his part in putting downe *Athalia*, and setting vp *Ioas* the lawfull heire and rightful King, from whom *Athalia* had now six yeeres tyrannically kept the kingdome, who going about *Juda* gathered together the *Leuites* out of all *Juda*, and the Princes of the families of *Israel*, and they came into *Ierusalem*.

c Disp. Theolog. in Administr. nu. 6.

49 And then *Ioiada* brought them into the temple, and shewed them the *Kings sonne*, saying to them, *Behold the Kings sonne shall reigne, as our Lord hath spoken vpon the sonnes of David*: and all the multitude made a couenant with the *King* in the house of God. Then *Ioiada* gaue order and commandement to the *Centurions*, in what manner they should stand in the temple with their souldiers to garde the *Kings* person, which the *Centurions* performed according to all things that *Ioiada* had commanded them: and after he had giuen them the speares and weapons of *King David*, which were in the temple, with commandement, that if any person should enter into the temple to disturbe them, he should be slaine, he brought forth the *Kings sonne*, and put the crowne vpon him, and the testimonie, and they made him *King*, and anointed him, and clapping with their hands said, *God save the King*. Which noise when *Athalia* being in the *Kings* Palace neere to the temple heard, shee went into the temple, and seeing the *King* standing vpon the tribunall seate according to the manner, and the *Princes* and the companies about him, and the singers, and trumpets neere him, and all the people reioicing, and sounding the trumpets, shee rent her garments, and cryed, *A Conspiracie, a Conspiracie; Treason, Treason*. But *Ioiada* the high Priest commanded the *Centurions* that were ouer the armie not to kill her in the Temple, but that shee should bee slaine with the sword without, and that whosoever should follow her should bee stroken with the sword: And they laid hands vpon her, and when shee was entred within the gate of the horses of the *Kings* house they killed her there. Thus it is written 4. *Reg.* 11. 2. *Paralip.* 23.

50 This therefore, as you see, was the case of *Ioiada* in commanding *Athalia* to bee slaine. *Ioiada*, not onely being the high Priest, and therefore next in authoritie to the *King* (for that next to the *King* there was none greater among the people then the high Priest) but also being the *Kings* vnckle by his wife, and the *Kings* Protector and Guardian, did put in possession of the kingdome of *Iuda*, *Iou* the *Kings sonne* being but seven yeeres old, to whom the kingdome by the right of inheritance did appertain, whom hee kept secretly in the temple for sixe yeeres together, and therefore did not onely by probable coniectures thinke, but hee did certainly know, that hee was the lawfull *King*: and neuerthelesse before hee would accomplish the same, hee communicated the matter with the *Centurions*, and *Princes* of the people; and made a couenant with them: and hee also caused *Athalia* to bee slaine, not onely for that shee had most tyrannically and barbarously vsurped the kingdome, by killing all, as shee thought, of the *Kings* issue, but also for that shee sought to make an open rebellion against the annointed *King*, crying out in the Temple in the presence

d Abul. 9. 15.
in c. 11. 4.
Reg.

of the new crowned King, of the high Priest, being the Kings Vnle and Protector, of all the Peeres and people, a Conspiracie, a Conspiracie, Treason, Treason. And this, I say, Ioiada, and euery faithfull subiect in such a case, that is, hauing the protection of the true, and whom for certaintie he knew to be the rightfull King, not only might, but also, if it were in his power, was bound to doe: neither dare this Doctour vnlesse he will rashly and seditiously teach a most false and pernicious doctrine, deny the same.

51. But marke, I pray you, how learned *Abulenſis* answereth to this question, whether *Ioiada* was bound to make *Ioas* King, that is, put him in possession of the Kingdome, to which he had right by hereditarie succession. *It was*, saith he, ^{c. 2. 19. in cap. 11. lib. 4. Reg.} a manifest sinne, that *Athalia* should usurpe to her selfe the kingdome, *Ioas* being alieue, to whom it did by lawfull right appertaine, therefore *Ioiada* was bound to doe as much as lyed in his power, that *Ioas* should not by *Athalia* be deprived of his right to the kingdome, therefore he was bound, when it did ly in his power to make *Ioas* King. Secondly, this is manifest, because *Ioiada* was in a certaine manner by his office to make *Ioas* King, because after the King there was none greater among the people, then was the high Priest, and then there was no King, therefore it belonged to *Ioiada*, as to the high Priest, to redresse the agreeuances, which happened among the people: and this was the greatest agreeuance, that the King should be deprived of his right, and therefore *Ioiada* was in this bound, as much as lyed in his power, to procure a remedy by appointing *Ioas* King, to whom the kingdome did of right belong. Thirdly, this is manifest, because euery man is bound to execute the knowne will of God, forasmuch as it doth preiudice charity, or some commandement of God, but God had said, that of the seede of *Dauid* there should bee Kings for euery, and it was not against charity, or any other commandement of God, alwaies to annoint Kings of that tribe: therefore *Ioiada* was bound as much as lyed in his power, to accomplish that will of God, to wit, that hee should annoint *Ioas* King: And this was that, whereon *Ioiada* grounded himselfe, when he annointed *Ioas* King, saying to the people, Beholde the Kings sonne shall raigne, as our Lord hath spoken, ouer the sonnes of *Dauid*: as though hee should say, because God commanded, that the sonnes of *Dauid* should alwaies reigne, therefore we ought to annoint this for King, who was of the stocke of *Dauid*. ^{2. Paralip. 23}

52. And as concerning the killing of *Athalia*, the said *Abulenſis* writeth thus: I answere, that it was lawfull for *Ioiada* to command *Athalia* to be slaine. For the cause was iust, to wit, for that she intended to kill the King, seeing that she had usurped the Kingdome, and also she was guiltie of death for many other causes; for she had slaine all the Kings sonnes, and she was a disturber of the people, and a corrupter of the worship of GOD, seeing that she brought in the worship of *Baal* into *Ierusalem*, and had made there a temple, ^{f. Ibidem 21. 20.}

temple, and had Priests; Therefore any one of these things were sufficient, that she might be slaine. Also it was lawfull for Ioiada in regard of the power. For that now (that is, the King being in his minoritie) he was the Prince of the people as being the high Priest, who was alwaies the greatest Iudge in Israel, from whose sentence it was not lawfull for any man to appeale vnder paine of death, or to contemne in any wise his commandement. Deut. 17. (Newertheless the high Priest was subiect to the King in temporalls, and might be iudged by him, as the said *Abulensis* before affirmed, where he assigned the difference betwixt a Iudge, and a King.) Also, it was lawfull for Ioiada in regard he now represented the Kings person. For he made a covenant in the place, or person of the King with all the people, and with GOD, and he represented the Kings person in all things, for that he had hitherto kept him hidden and now he annointed him King, but it was lawfull for the King to command Athalia to be slaine, who had vsurped the kingdome, therefore it was lawfull also for Ioiada, who represented the Kings person in all things.

53 Now I remit to the iudgement of any vnderstanding man, although he be neuer so partiall, whether euery faithfull subiect, hauing great power, and fauour with the people, and being the Kings Protectour, and Guardian, and presenting the Kings person in all things, ought not to defend the true and knowne King, against a manifest vsurper, and to command that vsurper to be slaine, who in a manifest rebellion seeketh the crowne and life of the true, and annointed King, which was the case of Ioiada in commanding Athalia to be slaine. How vnconscionably therefore, and shamefully doth this Doctor both abuse me, and also delude his Reader in misinterpreting so grossly those words of mine, Therefore Ioiada in killing Athalia did no other thing, then which euery faithfull subiect ought to doe in the like case: that is, saith this Doctor, euery faithfull subiect, if he thinke one to haue by an ill title vsurped the kingdome, not onely may, but also ought to kill such a King, &c. Although this werethe case of Ioiada, whereas it is manifest, that Ioiada did not onely thinke, but also certainly know that Athalia was an vsurper, and that Ioas was the rightfull King: Besides, he was the Kings Vncle, his Protectour and Guardian, and represented the Kings person in all things; and also he proceeded orderly by procuring first the consent of the Princes and people, in putting Ioas in the possession of his kingdome, and afterwards commanding Athalia to be slaine, for making a manifest rebellion in presence of the King, sitting in his Royal throne, & of all the Princes and people, crying a Conspiracie, a Conspiracie; Treason, Treason; for prooue whereof there needed no accuser, or witnesse, the fact being so publike and notorious, but it was sufficient to vse martiall Law in this case, especially seeing that there might haue been danger in delay.

54. Neither doth this giue occasion to subiects to rebell against their

their lawfull Kings, or to kill them, but rather to defend the right of their true King, and who is evidently knowen so to be, and to put down a knowen and manifest *Usurper*. Neither doe I contend, as this Doctour without shame affirmeth mee to doe, that it was lawfull for the high Priest (whom indeede I granted with *S. Thomas. S. Bonaventura. Abulenſis*, and other Catholike Divines before cited, to bee subject to the King in temporalls) to exhort the people to rebellion, and to conspire with the Peeres and people against the lawfull Queene, and to kill her, but I onely contend, that it was lawfull for *Ioiada* the high Priest, and for euery faithfull subiect to defend the rightfull title of the true and knowen King against a manifest *Usurper*, especially if such a subiect be the Kings *Vncle, Protectour, and Guardian*, and hath the true, and knowen King in his protection, and custodie, and representeth the Kings person in all things, as *Ioiada* was.

55 Neither is that example of *Queene Elizabeth*, which this Doctour vrgeth to disgrace mee with our Countrey men, to the present purpose; Seeing that it was not manifest, that *Queene Elizabeth* was an *Usurper*, as was *Arbacia*, but rather it is manifest, that shee was the lawfull *Queene*, considering that the Kingdome was left vnto her by the last Will, and Testament of her Father King *Henry*, and also that shee was accepted for lawfull *Queene* by a publike decree of the *Parliament* without any contradiction, or claime of *Queene Mary* our now *Soueraignes* mother, or of any others, who might pretend a right to the kingdome. And although her title to the Crowne had beene doubtfull, yet I thinke my *Adversary* will hardly deny, that in case of doubtfull titles, it chiefly belongeth to the Common-wealth, or kingdome, which the *Parliament* doeth represent, to declare, and determine whose title is the best. As in the time of *Schisme*, when two pretend to be the true *Pope*, this Doctour will not deny, that it belongeth to the Church, whom hee maketh inferiour, and subiect to the true, and vndoubted *Pope*, to declare and determine whether of their titles to the *Papedom* is the best, neither doeth this expose the Crownes of *Popes* or *Kings* to the rash leirue of priuate men.

56 But rather this Doctour seemeth heere to insinuate diuers very false and seditious positions: As first, that the people may deprive a lawfull King, and who by a speciall promise, and appointment of God hath right to the kingdome, of his Princely right, and lawfull inheritance without any fault committed by him, and giue it to a manifest *Usurper*, and who also, as being a subiect, is by the expresse law of God for many crimes to be put to death.

Secondly, that if a manifest *Usurper* possesse the kingdome peaceably for sixe yeeres, together with the true, and rightfull King then li-

uing, so that the people fearing his crueltie doe not rise vp in armes against him, the true heire is thereby depriued of his Royall right, and the Vsurper hath now gotten a lawfull right to the kingdome.

Thirdly, that an Vsurper making an open rebellion against the true, and annointed King in presence of the King himselfe sitting in his throne, of the *Peeres*, people, and all his armie, the Kings *Protector*, and who representeth the Kings person in all things, may not by the law of armes, or martiall law (the King being in his minoritie) commaund such a manifest traitour presently to bee slaine, the fact being so publike and notorious, that it needeth no accuser, witnesse, or other prooffe, and especially when by delay there may bee danger of *Conspiracie*, and tumults among the people. All these doe euidently follow, as you haue scene, from this *Doctors* Reply against my answer to this example of *Athalia*. And therefore to retort his bitter inuectiue against mee to Kings, and Princes backe vpon himselfe:

57 Behold, O Kings, and Princes, you haue heere one, who is carefull of the securitie of your Royall issue, or rather of those, who shall tyrannically vsurpe their kingdomes. So obseruant are they of your Princely Maiesie, and of your Royall posteritie who so immoderately aduance the Popes temporall authoritie. *Every faithfull subiect*, say they, *ought not to doe in the like case, that which Ioiada did in killing Athalia*; that is, if a manifest Vsurper shall cruelly murder your innocent children, and so tyrannically inuade the kingdome, every faithfull subiect, who hath preserued one of your Royall issue from cruell death, and who is the chiefe *Peere* of the Realme, his Vncle, *Protector*, and *Guardian*, and representeth his Royall person in all things, and hath great power and fauour among the people, ought not to put your sonne in the possession of his Crowne, and commaund the Vsurper to bee slaine by the law of armes, if he seek to make a publike and manifest rebellion in presence of the annointed King, Princes and people, for this was the case of *Ioiada* in commanding *Athalia* to bee slaine. O miserable state of Princes children, whose kingdome and life, is by the desperate writings of these men exposed to eminent danger? If *Widdrington* had written such a thing, what tumults would not this *Doctor* make? what clamours would he not raise?

58 Another slander not much unlike to the former doeth this *Doctor* vnconscionably impose vpon mee in his wordes immediately following. *Neere also, or adioyning to this*, saith this *Doctor*, *that, which Widdrington teacheth in the number 460. that the Pope in his opinion then subiect to the Emperour, and as subiect, might and really*

really did with the tacite or expresse consent of the people of Rome lawfully and with validitie take away the Empire of the West from the Emperour of Constantinople, and transfer it to Charles the great. For how little a part of the Empire was then the people of Rome? or what power had they in the election of the Emperour? From this therefore it doeth evidently and necessarily follow, that every subiect with the tacite or expresse consent of one Citie, that also, which hath no voice, or suffrage in the election of the King, may deprive his true, lawfull, and naturall Prince either of all his dominion, or of part, whereby truely is opened a most broad way to seditions, conspiracies, rebellions, and renoultings.

59 But truly I cannot but greatly meruaile how this my Adversarie, by his Degree a Doctour, and by his function a Priest, is not ashamed to teach, contrarie to his profession, such palpable vntrueths, and so slowly, grossly, and shamefully to corrupt my wordes and meaning: And therefore, whereas in most places hee is very carefull to set downe my expresse wordes, or in some sort the sense of them, heere, least the Reader should presently perceiue his corrupt dealing, hee cleane omitteth to set them downe for almost 40. pages together, to wit, from the number 413. to 463. wherein I amply declared, in what manner the Pope, and people of Rome translated the *Romane Empire* to Charles the great, with other obseruations concerning the facts of Popes in deposing Emperours, and Princes, and why there are so many *Authors*, whose bookes are extant, that fauour the doctrine for the Popes power to depose Princes, all which this Doctour passeth ouer with silence. For as I haue shewed aboue, ^{i Cap. 3. nu. 37.} I prooued ^{& seq.} there most cleerely by the testimonies of many learned *Authors*, first that the translation of the *Romane Empire* from the *Grecians* to Charles the great was done not onely by the authoritie of the Pope, but also of the *Senate*, and people of *Rome*, with the expresse or tacite consent of all the people of the *West*, and that none of the *Authors* brought by Cardinal *Bellarmino* doe contradict the same: And secondly, that the Pope and people of *Rome*, and of the *Westerne Empire*, were not at that time subiect to the *Grecian Emperour*; for that hee had then the *Romane Empire* as forsaken, and abandoned, and that therefore the *Romane*, and *Westerne* Prouinces, being left to themselves, might choose what Emperour they pleased according to Card. *Bellarmino*'s expresse doctrine, which I there related.

60 Consider therefore, good Reader, with what conscience this Doctour affirmeth me to say, that the Pope in my opinion then subiect to the Emperour, and as subiect, with the consent of the people of Rome might lawfully deprive the *Grecian Emperour* of the *Westerne Empire*, and transference it to Charles the great, from whence it evidently followeth, saith he, that ene-

ry subiect, with the consent of one City, yea and of that City; which hath no suffrage in the choosing of the King, may deprive their true lawfull and naturall Prince either of his whole dominion, or of part thereof. For I neuer affirmed, either that the Pope, or people of Rome were then really, and in very deed subiect to the Emperour of Greece, who had the *Romane Empire* for abandoned, and forsaken: or that the whole common wealth being subiect, and as subiect, much lesse one City, or Province had authoritie ouer their Prince to iudge him, depose him, or to change the manner of government. That which I affirmed is, that the common wealth it selfe, in case it hath no Prince, and consequently is then supreme it selfe, and not subiect to any Prince, and not that people subiect, as this Doctor saigeth, haue power, I doe not say, to iudge, or depose their King, as hee also shamefully affirmeth mee to say, for that the Common wealth in that case hath no King, but to choose to them a King, or to change the manner or government from a *Monarchie*, to *Democratie*, *Aristocratie*, or mixt. And this I affirmed Cardinall Bellarmine to auouch, when he reacheth, that the supreme temporall power is by the law of nature in the whole multitude or common wealth, when they haue no King, or Superiour ouer them, and that by the same law of nature they may transference it from the whole multitude to one only, or to more, and that therefore they may change the *Monarchie* into *Aristocratie*, or *Democratie*, and contrariwise, as we see it was done at Rome.

61 Neither can it with any probabilitie be denied, that the City of Rome, which was the chiefe Imperiall City, and Metropolis of the *Romane Empire*, that is, the Pope, Senate, and people of Rome, had by right a great sway in the election of their owne Emperour, albeit the armie did *de facto* commonly choose him, to which election the Senate and people of Rome did either willingly, or for feare giue their consent: and that therefore the Pope, Senate, and people of Rome with the consent either expresse, or tacite of the rest of the *Westerne Provinces* had full power and authoritie to choose to them an Emperour, supposing they were left to themselves, and forsaken and abandoned by the Emperour of Greece: and this is agreeable to Card. Bellarmines doctrine: But that one only Subiect, or one City, which is a small part of the kingdome, yea or that the whole kingdome it selfe may lawfully and rightly deprive of the whole kingdome, or of any part thereof their lawfull King being neither condemned, nor heard, nor accused, yea may lawfully condemne him, although he be heard, or accused, I neuer affirmed, neither doth it follow from my doctrine; neuer thelesse, that euery faithfull subiect is bound to doe in the like case that which Ioiada did, either in deposing or killing *Athalia*, this I doe constantly affirme, neither can any Catholike deny the same without note of teaching a most false; a most scandalous, and a most seditious doctrine.

62 And therefore I remit to the iudgement of Christian Kings, and subiects, what censure those last words of this *Doctour* doe deserue: *Also that every faithfull subiect is bound to doe that which Ioiada did in killing Athalia*, Bellarmine neuer taught, it doth not follow from Bellarmines doctrine, all Catholikes doe abhorre, and detest it, and among them without doubt Bellarmine. I omit to examine at this present, what title *Charles* the great had, either by hereditarie succession, or by the right of conquest to the *Westerne Empire*, before this translation; and what reall power, authoritie and dominion this translation gaue to *Charles* the great: for that he, and his Father *Pipin* had before conquered all *Italie*, and before this translation his sonne *Pipin* was created King of *Italie*, and he himsele *Patritius Romanorum*, which, ^las Card. Bellarmine himsele confesse^m, is the next dignitie to the Emperour. Neither will I now dispute, what reall difference there is betwixt the Emperour, and an absolute King concerning their supreme power, and authoritie ouer their subiects. This only is sufficient for me at this present, that supposing with Card. Bellarmine this translation to haue not only a titular, but also a reall effect, whereof *Lupoldus* of *Bamberg* doth particularly treat, if Card. Bellarmine will needes haue this translation to haue all it force and validitie from the *Popes* authoritie alone, and not also of the *Romane* people or common wealth, he calleth in question the right and title, which the *Latin* Emperours haue to the *Romane Empire*, in making it to be grounded vpon no so found title or foundation, as I signified before cap. 3. num. 48. See also that Chapter num. 37. & seq. where I treated more amply of this translation.

k Sigebert ad ann. 774. and others.
l Otho Frisingens. lib. 5. cap. 28. Sigebert. ad ann. 781. and others.
m Lib. 1. de Translat. Imper. cap. 9. Lupold. Bamberg. lib. de Inuicibus Regni & Imperij Rom. ap. 12.

63 But now to returne to that fact of *Ioiada*, from whence with this *Doctour* I haue made this digression, *Ioiada*, saith this *Doctour*, ⁿ to haue done that which he did through the opinion only of his sanctitie, and without any true and lawfull power, Widdrington affirmeth, we deny: Hee speaketh of his owne head, we follow the words of the Scripture: *Ioiada*, saith the Scripture 4. Reg. 11. commanded them, the Centurions and souldiers, saying, This is the thing, which you must doe &c. And a little beneath, And if any man shall enter the precinct of the temple, let him be slaine: And forthwith, And the Centurions did according to all things that *Ioiada* the Priest had commanded them. And againe, *Ioiada* commanded the Centurions that were ouer the armie, and said to them, Lead her [*Athalia*] forth without the precinct of the temple, and whosoever shall follow her, let him be stricken with the sword. See also 2. Paralip. cap. 23.

n Pag. 165.

64 But still this *Doctour* persisteth in corrupting my words, and meaning. For I neuer said, or meant, that *Ioiada* did that which he did, without any true, or lawfull power; this is a meere fiction of his owne braine. That which I said was, that all that *Ioiada* did either concerning

the putting the true heire, and rightfull King into the possession of his inheritance and kingdome, or concerning the putting *Athalia* to death, did not argue in *Ioiada*, either any true authoritie to create a King *demono*, that is to giue him a right to the kingdome, which right he had not before, or any proper authoritie due only to the high Priest, and which might not also be common to euery faithfull subiect in the like case: but that which *Ioiada* did concerning the killing of *Athalia*, he did by the authority and consent of the King, Princes and people; and what hee did concerning her depoling, he was bound to doe by the law of God, of nature, and nations. For *Ioiada* was the Kings vnckle, the Kings Protectors, his tutor, and keeper, and represented his person in all things, and was the chiefe Captaine, and Author of all this couenant, which he made with the Centurions, Princes, and people, to put king *Ioas* in possession, and to defend him from *Athalia*, and therefore no maruaile, that he, as representing the Kings person, gave commandement to the centurions, and souldiers, how they should carry themselues either towards *Athalia*, or any other in the Kings defence.

65 True it is, that *Ioiada* might by his owne proper authoritie, as he was high Priest, command the Souldiers, that *Athalia* should not be slaine in the temple, least the temple, whereof the high Priest had the chiefe charge, should not be polluted by her blood, but absolutely to command her to be slaine, none could doe by his owne proper authoritie, but he only, vpon whom the weale publike, common iustice, and the temporall sword doth principally depend, who only is the King in a kingdome, from whom, as from the head of ciuill power, all temporall authoritie and command in his kingdome is deriued: Wherefore I neuer meant, that *Ioiada* did that which he did without any true, lawfull, and proper authoritie, as proper is opposed to improper, or metaphoricall, but he did that which he did not by any proper authoritie of his owne, which was peculiar to him, as he was high Priest, in which sense proper is distinguished from common, but he did that which he did concerning *Ioas*, and *Athalia*, by that true, and lawfull authoritie which might also be common to other subiects in the like case, to wit to such subiects, as are the chiefe Peeres of the Realme, the Kings Protectors, and Guardians, and who represent the Kings person in all things.

66 For two principall things *Ioiada* did: the one was, that he preserved the true, and rightfull King, and whom he knew certainly so to bee, from being murdered by wicked *Athalia*, and to that end hee kept him secretly in the Temple for sixe yeeres together, and in the seuenth yeere by the aide of the Princes, and people hee did put him in possession of his kingdom, which *Athalia* had tyrannically kept from him. And this euery faithfull subiect in the like case is bound to doe, and by the Law of nature and nations hath authoritie so to doe: and

the consent of all kingdomes, and the authoritie of the rightfull King doth giue sufficient warrant to the same. So that this authoritie was not proper to the function of the *high Priest*, as he was *high Priest*, but is common to euery faithfull subiect, who is the *Kings Protectour*, and *Guardian*, and representeth the *Kings* person in all things. The second was, that *Ioiada* commanded *Athalia* to be slaine, who endeouored to make a publike rebellion, against the true, lawfull, and now crowned, and anointed King, crying out in the presence of the King himselfe, the *Princes* and the people, *A conspiracy, A conspiracy, Treason, Treason*: And the authoritie also to commaund this was not proper to the function of the *high Priest*, as hee was *high Priest*, but is common also to euery faithfull subiect, who is the *Kings Protectour*, and *Guardian*, and representeth the *Kings* person in all things. And to teach the contrary to any of these two things, is to teach a most false, scandalous, and seditious doctrine.

67 This second, to wit, that the commandement of *Ioiada* to kill *Athalia* was done in the *Kings* name, and by his authority, this Doctor affirmeth ^o *not to be incredible, because it happened after the creation of the new King, neither would this, saith he, hurt Bellarmines opinion. For Bellarmine doth not contend, that hereticall Kings ought to bee slaine by the Popes commandement, but onely to be deposed.* But this is very vntrue: For although Card. Bellarmine doth not in expresse wordes, yet by a cleere, and necessary consequence he doth contend, that the *Pope* hath power to depriue hereticall *Kings* not onely of their kingdomes, but also of their liues, seeing that he contendeth, that the *Pope* hath authoritie in order to spirituall good to dispose of all temporalls, and I hope, that the liues of *Princes* are not to bee excluded from temporall things. See aboue nu. 9. & seq. And although *Ioa* was made King *de facto*, by the procurement of *Ioiada*, yet it cannot with any credibilitie be denied, but that all the time that *Athalia* reigned *de facto*, and vniustly vsurped the kingdome, *Ioa* was King, *de iure*, and that the kingdome, and all Kingly authoritie did by right belong to him.

68 But Widdrington doth not well prooue, saith this Doctor, that all those things were done onely by the counsell, and not by the authoritie of *Ioiada*. For as the Scripture testifieth both 4. Reg. 11. & 2. Paralip. 23. *Ioiada* called the *Centurions* together; *Ioiada* armed the *Souldiers*; *Ioiada* commanded that if any one should enter within the precinct of the Temple he should be slaine, if any one should follow the *Queene* he should likewise bee slaine; *Ioiada*, as saith the *Glosse* cited by Widdrington, did institute the King; *Ioiada* crowned the King; *Ioiada* commanded the *Queene* to be slaine; *Ioiada* made a covenant betwixt himselfe, the King, and the people, that they should be the people of our Lord; *Ioiada* commanded the Temple of *Baal* to bee overthrowne; the *Altars* of the *Idols* to be destroyed; the

Priest of Baal to be slaine; Ioiada set the watch in the house of our Lord, &c. All these things Ioiada the high Priest did: but because he alone could not accomplish the whole matter, he aduised the Centurions, that they would helpe valiantly, and faithfully, and therefore he made a conenant with them for the execution: Wherefore nothing is giuen to the Centurions but obeying, and executing at the commandement of Ioiada; The Centurions, said the Scripture, did according to all things that Ioiada the high Priest had commanded them.

69 But why doth this Doctour still corrupt my wordes, and meaning? why doth he omit that word *propria autoritate*, by his owne proper authoritie, which of set purpose, to expresse plainly my meaning, I did set downe. I neuer affirmed, that all those things here mentioned by this Doctour, were done by Ioiada without true, and lawfull authoritie, but I alwaies added, that they were not done *propria autoritate*, by his owne proper authority, to wit, which was proper and peculiar to him, as hee was high Priest, but by the authority and consent of the King, Princes, and people, and which things every faithfull subiect might doe, and was bound to doe in the like case, that is, if he were the Kings Protectour, and Guardian, and represented in all things the Kings person, and such a King, whom he did not onely probably imagine, but also certainly knew to bee the rightfull, and vndoubted King, and heire of the kingdome.

70 Neuertheless I doe willingly grant, as I haue said before, and oftentimes in all my bookes I haue freely confessed, that Ioiada by his owne proper authoritie, that is, by his Priestly power had authoritie to declare to the people the Law of God, and to command them to obserue the same, but not to constrain them by temporall punishment to the obseruation thereof: and that therefore he might commaund them in generall to put Ieas in possession of his kingdome, knowing that it did by the Law of God, and by the right of his inheritance belong to him, as being descended by a direct line from the stocke of King Dauid, according as God almighty had promised to Dauid, and Salome. But concerning the particular manner how Athalia was to be deposed, and Ieas was to be put in possession of his kingdome, which was not contained in the Law of God, this, I said, Ioiada could onely doe by his aduice and counsell, if we respect him onely as he was high Priest, but if we respect him, as he was the Kings Protectour, Keeper, and Guardian, and represented the Kings person in all things, this I said, hee did by authoritie, but not by his owne proper authoritie, as he was high Priest, and which could not be common also to all other subiects in the like case, but by the authority of the King, and commonwealth, and as he, being the Kings Protectour, and Guardian, represented the Kings person in all things. And therefore I doe not deny, that Ioiada did all those things

things mentioned by this *Doctor* by *authoritie*, but not by his *owne proper authority*, which this *Doctor* hath not as yet any way impugned, nor will be euer able to impugne.

71 That *Ioiada* did not those things, by his *owne proper authoritie*, but in the name, and by the *authoritie* of the *King* with the consent of the *Princes*, and people, I prooued by the words of the holy *Scripture*, and of the *Glosse* vpon that place, *Therefore all the multitude*, saith the *Scripture*, made a *couenant* with the *King* in the house of *God*, and *Ioiada* said to them, Behold the *Kings sonne* shall *raigne*, as our *Lord* hath spoken vpon the *sonnes* of *Dauid*. The words of the *Glosse* are these: *Heere is described the institution of the true beire, the due beire, and which ought to be the due King, and which ought to be* (for all these names, *veri heredis, heredis debiti, Regis debiti* the *Glosse* vseth) *by the procurement of Ioiada the high Priest, seeking thereunto the assent of the Princes, and Nobles of the Realme, when it is said, And he made a couenant with them.*

72 Marke now how cunningly this *Doctor* would shift of these testimonies. That which is added, saith hee, & concerning the *couenant* with the *King*, is vnderstood of the future *King*, to wit, with him, who a little after was to be instituted *King*, as it is manifest by the same place; for presently it is added, And *Ioiada* said to them, Behold, the *Kings sonne* shall *reigne*. And the *Glosse* is against *Widdrington*; for if heere be described the institution of the true *King*, and to this is required the assent of the *Princes*, assuredly *Ioas* was not *King* before, albeit he was the *Kings sonne*: For he that is *King* by succession ought not to be instituted, but declared, neither doth he neede the assent of the *Princes*. Therefore *Ioiada* did constitute the *King*, and depose the *Queene*, but the *Princes* ayding and assisting him, without whom he could not haue accomplished the matter. p 235, 568.

73 But if this *Doctor* had bene pleased to declare plainly the true state of the present question betwixt me, and *Cardinal Bellarmine*, as I did, and not delude his Reader with ambiguous and equiuocall words, the plaine trueth of this controuersie would presently haue appeared. For this word, *King*, is equiuocal, and may be taken either for a *King de iure*, and who hath true, and lawfull right to the kingdome, albeit he be not in possession thereof; or for a *King de facto*, and who doth actually reigne, abstracting from that he doth reigne *de iure* by right and lawfully, or by *usurpation*. Now I granted, that *Athalia* was *Queene de facto*, and in possession of the kingdome for sixe yeeres together, but I denied, that shee was *Queene de iure*, and that the kingdome did belong to her by right, but to *Ioas* the rightfull beire, as being the onely sonne then liuing of *Ochozias*, *King of Iuda*; and that therefore *Ioiada* did not create or institute *Ioas* *King*, that is, giue him a true right to reigne, which he had not before, for that the true dominion, and right to the kingdome did reside in *Ioas* by right of inheritance
and

and succession instantly vpon the death of his eldest brethren, and this much the aforesaid words of the holy *Scripture*, and of the *Glosse* doe euidently conuince.

74 Wherefore that, which this *Doctour* sayth concerning the couenant of the people with the *King*, is vnderstood of the *future King*, which a little after was to be *instituted*, is also equiuocall: for if he vnderstand, that *Ioas* was not then *King de facto*, but a little after by the procurement of *Ioiada* was made and *instituted King de facto*, that is, was put in possession of the kingdome, and did actually reigne, this was not the controuersie betwixt me, and Card. *Bellarmino*; for I neuer denied, but did alwaies in expresse words grant, that *Ioiada* with the assent of the Princes and people did put *Ioas* in possession of his kingdome, which *Athalia* had vniustly kept from him, and in this sense *Ioas*, who before was *King de iure*, was afterwards by *Ioiada* created and *instituted King de facto*. But if he meane, that *Ioas* was not then *King de iure*, and that the kingdome did not by right of inheritance, and by the ordinance of almighty *God* belong to him, this, I say, is plainly against the words of the holy *Scripture*, and of the *Glosse*. *Ecce filius Regis &c. Behold the Kings sonne shall reigne, as our Lord hath spoken our the sonnes of Dauid: that is, behold the Kings sonne, to whom therefore the right to the kingdome by inheritance doth belong, although he doth not actually reigne, for that Athalia contrarie to the commandement of God, who gaue the kingdome to the sonnes of Dauid, hath tyrannically kept it from him, shall reigne, that is, shall be King de facto, and actually reigne, according as our Lord hath spoken vpon the sonnes of Dauid.*

75 But the words of the *Glosse* are more plaine: for he calleth *Ioas* not onely the *true, due or rightfull King*, but also the *true, due or rightfull heire*: Neither can this *Doctour* deny, that *Ioas* was presently after the death of all his brethren the onely sonne of *King Ochozia*, and consequently the true and onely heire to the kingdome of *Iuda*, and therefore the true *King de iure* or by right: For he can not be so ignorant, as not to know, that the heire to a kingdome, hath presently after the death of his father all the right, which his father deceased had to the kingdome: *It is manifest*, saith the rule of the law, ^q approved by all lawyers, that an heire hath the same power and right, which the deceased had; and againe, ^r *Inheritance is no other thing, then a succeeding to all the right which the deceased had.* Wherefore the words and sense of the *Glosse* are plaine: for the words are not, *Here is described the institution of the true King, but of the true heire*, whom he called before the *due or rightfull heire*: Now it is manifest, that *Ioiada* did not make or institute *Ioas* the *true and rightfull heire* to the kingdome of *Iuda*, but he was made and *instituted the rightfull heire* by succession, and by the

ordi.

q ff. de regulis
iuris regula 59

r Ibidem regu-
la 62.

ordinance of almightie God, for that he was the onely sonne and heire suruiuing of the deceased King *Ochozias*. And therefore those words of this *Doctour*, *Assuredly Ioas was not King before, although he was the Kings sonne*, if he meane that he was not King *de iure* before, are very vntrue; but rather contrariwise, I inferre, that *assuredly Ioas was King de iure before, because he was the Kings sonne*, to whom by succession and inheritance the kingdome of *Iuda* did by right, and by the ordinance of almightie God belong, and those words of holy Scripture, *Behold the Kings sonne* &c. doe conuince as much.

76 But he that is King by succession, sayth this *Doctour*, ought not to be instituted or made, but to be declared, neither doth he need the assent of the Princes. It is true that he who is King *de iure*, and by succession, ought not to be instituted or made King *de iure*, neither needeth he the consent of the Princes to make him King *de iure*. But he that is King onely *de iure* and by succession, but not King *de facto* and by possession, ought to be instituted or made King *de facto*, and to this is necessarie the assent and aide of the Princes and people. Wherefore as this word [to depose] is equiuocall, and may be taken either for to depriue one of his right, or to put him out of possession of the thing he holdeth, so also to institute, create or make a King or heire is equiuocall, and may be taken either for to giue one a right to a kingdome or inheritance, which right he had not before, or to put him in possession of the kingdome or inheritance, whether he hath right thereunto or no. And therefore, as well obserueth *Gregorius Tholosanus*, *because the instituting or giuing of a benefice* (and the like may be said of a Dukedome, Princedome, Kingdome or inheritance) *is sometimes effected by giuing the possession, or as it is commonly said by installing or inuesting, therefore to institute is sometimes taken for to install or inuest as by deliuering some corporall thing, as a ring, a crowne, a scepter &c. by which the reall and actuell possession is giuen, apprehended or induced.* cap. ad hæc de officio Archidiaconi, & §. 1^o. de consuetudine rectorum feudi lib. 2. de feudis tit. 33. And in this sense the *Glosse* did vnderstand the word, *institution*, to wit, for inuesting, installing or putting *Ioas* into possession of his kingdome, or, which is all one, making him King *de facto*. For it is too too manifest, that he was before the rightfull heire, and King by succession, and not then made or instituted the rightfull heire by the election of *Ioiada*, and of Princes.

77 Wherefore the last inference, which this *Doctour* maketh in these words, *Therefore Ioiada did institute the King, and deposed the Queene* &c. is very true if he meane that he did constitute the King *de facto*, or put him in possession of his kingdome, and deposed the *Queene de facto*, that is, thrust her out of the possession of the kingdome; For *Ioiada* in this sense did make or constitute the King, and deposed the *Queene* by the aide and assistance of the Princes, without whom he could not haue

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In Syntagm.
Iuris lib. 17.
cap. 16. nu. 4.

accomplished the matter : but to *make* or *constitute* him *King de iure*, or the rightfull *heire* to the kingdom, onely succession without the aide and assent of *Ioiada*, or the *Princes* was sufficient. Neither dare this *Doctour* absolutely auerre, as you haue seene, that *Ioa* was not before this, *King de iure*, but *Athalia*, but he affirmeth it with a *credibile est*, which neuerthelesse I haue prooued to be *incredible*, and to containe a very false, scandalous and seditious doctrine.

78 *Lastly*, although that question betwixt me and Card. Bellarmine, to wit, whether *Athalia* was slaine onely for *treason*, or also for *idolatrie*, be not much materiall to the present controuersie betweenevs, which is, by what authoritie it was done : seeing that, whether she was slaine only for *treason*, or also for *idolatrie* it was done by the authoritie of the *King*, who then was crowned and confirmed by the *Princes* and people, as this *Doctour* heere is not also vnwilling to grant : Neuerthelesse I still affirme, that it can not be prooued from the holy *Scripture*, that she was slaine for *idolatrie* : albeit I doe not deny, that she deserued death therefore. Whereupon the *Scripture* onely mentioneth, that vpon her endeauouring to make a rebellion against the true, and now anointed *King*, crying out in the presence of the *King*, *Princes* and people, *A conspiracie, A conspiracie, Treason, Treason*, she was commanded to be slaine. Neither can this *Doctour* sufficiently conclude from those words of holy *Scripture*, *Therefore all the people entered into the house of Baal, and destroyed it &c.* as Card. Bellarmine pretended to prooue, or from those words immediatly going before, *And Ioiada made a covenant betweene himselfe, and all the people, and the King, that they would be the people of the Lord*, that *Athalia* was actually slaine for *idolatrie*, although I doe willingly grant, that she was an *Idolatreffe*, and therefore deserued death according to the law.

2 pag. 570.

79 Neither did I, as this *Doctour* vntruely saith, either slander Card. Bellarmine, or else knew not what I said my selfe, when I affirmed, that Card. Bellarmine did not sincerely relate the words of holy *Scripture*, to wit, *Therefore all the people entered into the house of Baal, and destroyed it &c.* which words, as he saith, doe immediately follow the killing of *Athalia*. For after the killing of *Athalia* these words, *And Ioiada made a covenant betweene himselfe, and all the people and the King, &c.* which as the *Glosse* affirmeth, were a confirmation of the *King* newly anointed, and crowned, doe immediately follow, and after them doe follow those words, *Therefore all the people entered into the house of Baal, and destroyed it, &c.* And whereas this *Doctour* affirmeth, that Bellarmine did not meane, that those words precisely ; Therefore all the people entered into the house of Baal, &c. doe immediately follow after the words, wherein the killing of *Athalia* was commanded, but his meaning was, that the overthrowing of the temple of Baal was done immediately after the killing of the Queen

Queene, and therefore hee did not properly speake of wordes, but of things done; This is plainly both against the text of holy Scripture, for that betwixt the killing of *Athalia*, and the destruction of the temple of *Baal*, was the confirmation of King *Ioas* newly crowned, and annointed, and of the couenant, which *Ioas* made betweene himselfe, and all the people; and the King, that they would bee the people of our Lord; and it is also against Cardinal *Bellarmines* owne wordes: Those wordes, saith Cardinal *Bellarmino*, Therefore all the people entered into the house of *Baal*, and destroyed it, &c. doe immediately follow the killing of *Athalia*: And yet this Doctor, forsooth, will haue Cardinal *Bellarmino* not to speake properly of wordes, but of things done, contrary to Card. *Bellarmines* expresse words. But truth, and plaine dealing cannot colourably be impugned, but by such pitifull shifts, and fraudulent euasions.

71 And thus thou seest, good Reader, how insufficiently this Doctor hath confuted my answer to Cardinal *Bellarmines* argument taken from the example of *Athalia*, who was not deposed by *Ioas*, that is, deprived of her right to reigne, seeing that shee was neuer a lawfull Queene, nor euer had any true right to reigne, but shee was by the procurement of *Ioas*, and by the aide, and assistance of the Princes, and people, thrust out of the possession of the kingdom, which she tyrannically had for sixe yeeres vsurped, and wrongfully detained from *Ioas* the true and rightfull King by hereditarie succession, as being the onely sonne and heire suruiuing to King *Ochozias*; and that *Ioas* did that which he did both in putting *Ioas* in possession, and in killing *Athalia*, not by his owne proper authoritie, and which was peculiar to him, as hee was high Priest, but by that authoritie, which might be common to euery faithfull subiect in the like case. Now you shall see, how bouldly, and barely Mr. *Fitzherbert* repeateth againe this example of *Athalia*, without taking any notice of the answer, which I made thereunto before in my *Apologie*, and *Theologicall Disputation*.

72 But now our *Adversaries*, saith Mr. *Fitzherbert*, "to answer" ^u *Nu. 16. p. 77.* this example of *Athalia*, doe say, that shee was no lawfull Queene, but a Tyrant, and vsurped the state in preiudice of *Ioas* the right heire, whom *Ioas* set up, and that therefore the example of her deposition cannot be of consequence to prooue, that the high Priest in the old law had authoritie to depose a lawfull Prince: But they are so vnderstand, that it lieth importeth for the matter in hand, whether shee were a true Queene, or a Tyrant; for though shee had bene a lawfull Queene, yet shee should haue bene her lawfull Superiour, it being euident, that otherwise hee could not haue bene her Iudge to determine of her right, and depose her as unlawfull, especially after shee had bene receiued for Queene, and obeyed by the State
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for sixe yeeres : to which purpose it is to be considered, that no man can lawfully condemne an offender, ouer whom he should not also haue power in case he were innocent; for as well, and iustly doth the Iudge absolute a man whom he is innocent, as condemne him when he is nocent, hauing equall authoritie, and the same iudiciall power ouer him in both cases.

73 Yes, good Syr, it much importeth so the matter in hand, whether she was a true *Queene*, or a *Tyrant*; for if she had beene a lawfull *Queene*, then he should not haue beene her lawfull *Superiour* in temporalls, neither could he haue beene her lawfull *Iudge* to determine of her temporall right, for that, as I shewed before out of many learned *Catholikes*, and which also *Card. Bellarmine* himselfe holdeth to be probable, in the old law the high *Priest* was subiect to the king in temporalls, and might by him be iudged, and punished with temporall punishments. But if she were no lawfull *Queene*, but an *Vsurper*, as in deede she was, then it is euident, that *Ioa* was the true, and rightfull King, and that all ciuill authoritie did reside in him, and was deriued from him, as from the head of all ciuill power whereof the King is head, as *D. Schulckenius* himselfe confesseth; * and that therefore *Ioiada*, who was the Kings *Protector*, and *Guardian* now in his minoritie, and represented the Kings person in all things, might be her *Iudge* both to depose her, and also to kill her, as a manifest traitour, and vsurper.

74 But those words, which *M^r. Fitzherbert* addeth, especially after she had beene receiued for *Queene*, and obeyed by the whole state for sixe yeeres, doe fauour of that false, scandalous, and seditious doctrine, which *D. Schulckenius* taught before, as though either sixe yeeres prescription were sufficient to depriue a lawfull King of his *Princely* right, and giue it to a wicked vsurper, or that the kingdome of *Iuda* either did depriue, or had authoritie to depriue the true, rightfull, and certainly knowne King of his lawfull inheritance, and *Princely* right, and that without any offence at all committed by him.

75 Neither is that to the purpose which *M^r. Fitzherbert* would haue his Reader beleue, to wit, that no man can lawfully condemne an offender, ouer whom hee should not also haue power in case he were innocent, for as well and iustly doth a *Iudge* absolute a man, when hee is innocent, as condemne him when he is nocent, hauing equall authoritie, and the same iudiciall power in both cases: For I doe not deny, that *Ioiada* being the Kings *Protector*, and *Guardian*, and therefore representing the Kings person in all things, was the lawfull *Superiour*, and *Iudge* of *Athalia*, and of every other subiect in the kingdome; but that, which I contend is, that although *Ioiada* was in spiritualls her *Superiour*, and *Iudge*, as he was high *Priest*, yet in temporalls he was neither her *Superiour* or *Iudge*, nor of any other subiect in the kingdome, as hee was high *Priest*, or by his *Priestly* authority, but as hauing his authority deriued from the true
and

and lawfull King, in whom onely all supreme ciuill authority, as in the head of all ciuill power doth reside. And therefore this his consideration is not to the purpose, as also it is not generally true. For all Catholikes, yea Cardinall *Bellarmino* himselfe, & doe grant, that in time of *Schisme*, when two contend to be the lawfull Pope, the Church is the lawfull Superiour, and Iudge of both Popes, and that it belongeth to her to determine of their right: & neither yet Cardinall *Bellarmino*, nor my Adversary will affirme, that the Church hath the same authoritie, and iudiciall power ouer the true, and vndoubted Pope. Likewise what will Mr. *Fitzherbert* say to Cardinall *Caietaine*, and others of his opinion, that the Church is Superiour to an hereticall Pope, and hath authoritie to iudge him, and depose him; who neuerthelesse will not admit, that the Church is Superiour to a Pope, who is no hereticke. Moreouer, no learned man can deny, that when two contend to haue right, or a title to any kingdome, if they bee members of that kingdome, the whole kingdome, or Common-wealth is Superiour to them, and hath authoritie to iudge and determine of their right, and yet wee may not therefore conclude, that the whole kingdome, or Common-wealth is Superiour to a knowne, and vndoubted King.

y Lib. 2. de
Concil. cap. 19

76 No lesse idle also is that which followeth. & Besides that, saith Mr. *Fisherbert*, our Adversaries must needs graunt, either that *Ioiada* deposed her as her lawfull Iudge, being high Priest, or else that any peculiar man may of his owne authority take vpon him to depose, and kill a Tyrant, and vsurper, which opinion was worthily condemned by the Councell of Constance as hereticall, and with great reason, for that no particular man can make himselfe another mans Iudge, and much lesse the Iudge of a Prince. Neither can there be any doctrine more dangerous to Common-wealths, or pernicious to Princes states, then that euery subiect may take vpon him to iudge, when his Prince is a Tyrant, and proceeds against him to his deposition, or death.

2 N. 17. p. 78.

77 True it is, that *Ioiada* deposed *Athalia*, that is, put her from the possession of the kingdome, which she vniustly vsurped, as her lawfull Iudge, being High-Priest, but it is not true, that he deposed her, as being High-Priest, or by his Priestly authoritie, nor as a priuate man, or by priuate authoritie, but he both deposed her, and commanded her to be slaine, as her lawfull Iudge, being the Kings Protector, and Guardian in his nonage, and as representing the Kings person in all things, and also with the assent of the Princes and people. Neither from hence doth it follow, that euery particular and priuate subiect may by his owne authoritie take vpon him to kill a manifest vsurper; although S. *Thomas*, and many other Diuines are of opinion, that euery particular subiect and citizen hath authoritie to kill, not a manifest Tyrant in the abuse of gouernment, but a manifest vsurper, for in this case, say they, euery priuate

a In 1. dist. vi.
tims q. 2. ar. 2.
ad 5. Caietan
2. 2. q. 64. ar.
3. Sorus l. 5. de
Iustis q. 1. ar. 3.
Solon 2. 2.
q. 64 ar. 3. con-
trouers. 1. Ara-
gon ibidem.
Lefsius l. 2. de
Iustis. c. 9. dub. 4

uate

uate Citizen hath sufficient authoritie given him by the consent of the rightfull King, and also of the Common-wealth, against whom this manifest vsurper doth continually make a manifest vniust warre, and therefore it can not be called properly priuate, but publike authoritie. Neither, say they, is this doctrine against the decree of the *Councell of Constance* which doth not speake particularly of those, who are manifest *Tyrants* by vsurpation, but of *Tyrants* in generall, comprehending also those who are true and lawfull Kings, and onely *Tyrants* in government. For the proposition, which is in that *Councell* condemned as *hereticall, scandalous and giuing way to fraudes, deceits, treasons and injuries*, is this: *Euery Tyrant, (and consequently also a Tyrant onely in government, although otherwise a true and rightfull King) may and ought lawfully, and meritoriously to be slaine by any his vassall or subiectes by secret wiles and craftie deceits, or flatteries, notwithstanding any oath, or confidence made by them with him, not expecting the sentence or commandment of any Iudge whatsoever, which is in very truth a most damnable and traitorous doctrine*: But that a manifest *Tyrant* by vsurpation may not be lawfully slaine by any priuate man, having authoritie thereunto from the true, rightfull and vndoubted King, or from him, who is the Kings *Protectour* and *Guardian* in his minority, and *representer* the Kings person in all things, this is not condemned in the *Councell of Constance*, but the contrarie doctrine is damnable, scandalous and seditious.

78 Marke now, what a trim consequence Mr. Fitzherbert gathereth from the premises. *Whereupon*, sayth he^b, it followeth, that seeing Ioiada did lawfully depose Athalia (being a holy man, and therefore called by our Saniour Barachias, that is to say, Blessed of our Lord) he did it not as a particular and priuate man, but as a publike person. All this is true, as you haue seene. But that which he addeth, to wit, as High-Priest, to whom it belonged to iudge of her cause, is very vntrue, neither doth it follow from his premises. For his antecedent proposition was this, *Ioiada being high Priest depose Athalia, as her lawfull Iudge, and not as a particular, and priuate man, but as a publike person*, this I granted; now he inferreth, that Ioiada as high-Priest did depose her, which I euer denied, and he brought no shew of argument to prooue the same: only heere in the next words following he adioineth some colour of an argument for prooue thereof: especially, saith he, *seeing that she was not only a cruel tyrant, but also an abhominable Idolatresse, having drawne her husband Ioram, her sonne Ochozias, and the people to Idolatrie, and transferred the riches of Gods temple to the temples of Idolls; which being matter of Religion belonged directly to the tribunall of the high Priest, and therefore I conclude, that Ioiada depose her, as her Superiour, and lawfull Iudge according to the supreme authoritie that God gave to the High Priest in the old Testa-*

b no. 18. pag. 78

Matth. 23.

Hieron. lib. 4. in

Num. cap. 23.

a pag. 79.

ment over the temporall State. So I in my Supplement.

79 But how insufficient this conclusion is, it will presently appeare, onely by laying open the ambiguity of those wordes, *Idolatrie being a matter of Religion belonged directly to the tribunall of the high Priest*. For it belonged indeed to the tribunall of the *high Priest* of the old Law, and his consistorie to iudge what was *Idolatrie*, as likewise now in the new Law it belongeth to the *Pope*, and *Church* to iudge, what is heresie, or idolatrie, and so to declare, and determine what is heresie or Idolatrie is a matter of *Religion* both in the *olde* Law, and in the *new*: but it did not belong to the tribunall of the *high Priest* in the *olde* law, but of the *King*, and temporall state to punish Idolaters with corporall death, as likewise in the *new* law to punish hereticks with corporall death, being not a spirituall, but a temporall matter, doeth not belong to the spirituall power of *Priests*, but to the temporall authoritie of temporall *Princes*, as I prooued also out of *Sotus*, and *Bannes* in my *Theologicall Disputation* ^d. And therefore in the old Law the temporall power was supream, and the spirituall was subiect to it, for as much as concerned the power to constraine with temporall punishments, and as well *Priests*, as *Lay-men*, were subiect to the coerciue, or punishing power of the temporall State, as I prooued before ^e out of *S^t. Thomas*, *S^t. Bonauenture*, *Abulenfis*, and others, whose doctrine also *Cardinal Bellarmine* doth not account improbable.

80 Wherefore, although it belonged to the *High-Priest* to declare the law of *GOD*, yet to execute the law, and to punish the transgressors thereof, whether they were *Priests*, or *Lay-men*, with temporall punishments, belonged to the supream temporall power of the *King*, and not to the supream spirituall authoritie of the *High-Priest*. Seeing that *Ozias*, saith *Abulenfis*, because he was *King*, was the executor of the law of *GOD* against offenders, it belonged to him by his office to destroy all Altars, which were without the temple of our Lord, and to take away such a worship, and consequently all *Idolatrie*, under the penaltie of death. And therefore I conclude, that *Ioiada* did depose *Athalia* being a manifest *Vsurper*, as her Superiour and lawfull Iudge, but not according to the supream coerciue authoritie, that *GOD* gave to the *High-Priest* in the old Testament over the temporall state, which as I prooued before, was in temporalls supream, and not subiect, but superiour to the spirituall power, but according to the supream coerciue authoritie, that *GOD* gave to the *King*, to whom both *Priests*, and *Lay-men* were subiect in temporalls, and by whom they were to bee punished with temporall punishments, whose place, and person *Ioiada* being the *Kings* *Protector*, and *Guardian* while the *King* was in his minoritie, did in all things represent. Neither hath *M^r. Fitzherbert* either in his *Supplement*, or in

Sot. in 4. dist. 29
q. 1. ar. 4.
Bannes secund.
da secunda q.
11. ar. 4. q. 1.
in fine.
d. C. 7. f. 2. nu. 17
e. Sec. 1. nu. 5. 6.

Abul. q. 4. in c.
15. l. 4. Reg.

this his *Reply*, as you haue cleerely seene, brought any probable argument, much lesse *convincing*, as hee pretended, to impugn the same.

81 Now let vs proceede to the example of King *Ozias*, which is the last *M^r. Fitzherbert* bringeth out of the *old Testament*, to which neuertheless I did abundantly answer in my *Apologie*, which my answer he passeth ouer altogether with silence. But before I set downe what hee saith heere concerning this example, I thinke it not amisse to repeate my saide answer, and what *D. Schulkenius* replyeth to the same; for thereby the weakenesse of *M^r. Fitzherberts* obiection will presently appeare, and so also hee shall not take occasion after his vsuall manner to remit his English Reader to *D. Schulkenius* to seeke out a *Reply*, to that which I answered before in my *Apologie* concerning this example of King *Ozias*.

*Bell. lib. 5. de
Rom. Pont. c. 8*

82 In this manner therefore Cardinall *Bellarmino* argued from this example. *A Priest of the old law had authoritie to iudge a King, and to deprive him of his kingdome for corporall leprosie, therefore in the new law the Pope hath authoritie to deprive a King of his kingdome for spirituall leprosie, that is, for heresie, which was figured by leprosie.*

The *Antecedent* proposition hee prooued thus, for that wee reade 1. Paralip. 26. that King *Ozias*, when hee would usurpe the office of a Priest, was by the High Priest cast out of the temple, and when he was for the same sinne stricken by GOD with leprosie, hee was also enforced to depart out of the Citie, and to renounce his kingdome to his sonne. And that he was deprived of the Citie, and of the administration of the kingdome not of his owne accord, but by the sentence of the Priest, it is apparant: For wee reade *Leuit. 13.* whosoever, saith the law, shall bee defiled with leprosie, and is separated at the abittrement of the Priest, shall dwell alone without the Campe. Seeing therefore that this was a law in *Israel*, and withall we reade, 2. Paralip. 26. that the King did dwell without the Citie in a solitary house, and that his sonne did in the Citie iudge the people of the Land, we are compelled to say, that hee was separated at the arbitrement of the Priest, and consequently deprived of his authoritie to reigne.

*S. Aug. in 9.
Euan. l. 2. c. 40.*

The *Consequence*. Cardinall *Bellarmino* prooueth out of *Saint Austin*, who teacheth, that heresie was figured by leprosie, and *Saint Paul* 1. *Corinth. 10.* who sayeth, that all things chanced to the Iewes in a figure.

83 Thus argued Cardinall *Bellarmino* from the example of King *Ozias*, which if, good Reader, thou duely consider, doth onely proue, that it belonged to the Priests of the old Law, to declare the Law of GOD, when any difficultie should arise, and that they were the supreme Iudges in spirituall matters, as was to declare, and iudge whether

ther any one was infected with leprosie or no. For leprosie was not onely in the old Law a naturall disease, and a contagious vncleannesse in the body, whereupon the leper was by the law commanded to remaine out of the campe apart, least others should bee infected by him, but it was also a legall vncleannesse, and as well obserueth *Abulensis*, it did principally debarre men from entering into the Sanctuarie, and from touching sacred things, and because to iudge whether any one was to bee debarred from entering into the Sanctuarie, and from touching sacred things, did belong principally to the *Priests*, who were the ministers of sacred things, God appointed them to iudge, whether any one was infected with leprosie, and gaue them rules, and directions whereby to know the same. So that the principall thing, which the *Priest* was to doe in the case of leprosie, was to iudge according to the signes, and tokens prescribed by the law of God, whether any one was infected with leprosie or no: and if hee found him infected to declare him so to bee, and to condemne him of the sayde vncleannesse; after which declaration the leper was by the law it selfe forthwith debarred both from sacred, and also ciuill conuersation: for that hee was not onely deprived of all sacred rites, but also he was to bee seuered from the rest of the people, who were not defiled with such vncleannesse, and commanded to liue apart out of the Campe, or Citie.

84 Now the execution of this law, forasmuch as concerned the spirituall penaltie, did belong principally to the *High Priest*, who was the chiefe minister of sacred things; but concerning the temporall or ciuill penaltie, which was to bee debarred from ciuill conuersation, the execution thereof, if the leper would not of his owne accord vndergoe the penaltie, did belong to the Ciuill Magistrate, who was the minister of ciuill, or temporall things: As also, when any temporall punishment, as death, whipping, or such like was prescribed by the law against malefactours, although the crime was spirituall, as Idolatrie, vsurping the office of a *Priest*, &c. the execution belonged to the temporall Iudge, who in temporalls had authoritie ouer them. Whereupon wee neuer reade in the holy Scripture, that any true, and lawfull *King*, although he had committed any crime worthy of death according to the law, as many *Kings* of the Israelites were Idolaters, and King *Ozias* heere vsurped the office of a *Priest*, which were crimes that deserued death according to the law, were for such crimes put to death by the ordinarie authoritie of any man whatsoever, for that *Kings* had no Superiour ouer them in temporalls, who had authoritie to execute the law, which did chiefly belong to themselues, as I a little aboue^d obserued out of *Abulensis*, or to punish them with temporall punishments, in which sense King *Danid* did truely say, that hee

Abul. g. 2. in c. 13. Leuit.

d N. 80.

had sinned onely to God, saying, *Tibi soli peccavi*, for that God alone, to whom onely he was subiect in temporals, had power to punish him with temporall punishments, as all the ancient *Fathers* doe expound that place. So likewise in the new law it belongeth to spirituall *Pastours* to declare and determine what is heresie, and whether one befallen into heresie, or no; but to punish heretikes with temporall punishments doth not belong to the authoritie of spirituall *Pastours*, but of temporall *Princes*, who in temporals are supreme, and to whom onely the vling of the temporall sword doth principally belong.

2 Paralip. 26.

85 Wherefore from this example of King Ozias nothing else can forcibly be prooued, but that in the olde law it belonged to the *Priests* to declare the law of God, and that onely *Priests*, and not *Lay-men* were to intermeddle in sacred things. For obserue, good Reader, what did the *Priests*, and what was done by King Ozias. First therefore King Ozias, saith the Scripture, *entering into the temple of our Lord would burne incense vpon the Altar of incense. And incontinently Azarias the Priest going in after him, and with him the Priests of our Lord, eightie, most valiant men, they resisted the King, and said, It is not thy office, Ozias, to burne incense in our Lord, but of the Priests. that is, of the children of Aaron, which are consecrated to this kind of ministerie, goe out of the Sanctuarie, contemne not, because this thing shall not be reputed to thee for glorie by our Lord.* Here is nothing done, as you see, by the *Priests*, which is not spirituall. And who maketh any doubt, but that the *Priests* also of the new law may resist *Kings*, if they attempt to intermeddle in sacred things, which belong onely to *Priests*, and tell them, that it is not their office, but of the *Priests*, which are consecrated to this kind of ministerie, and command them to goe out of the Church, and not to contemne the law of God, because it will not be reputed to them for glorie by our Lord God.

86 But secondly, King Ozias being angrie and holding in his hand the Censer to burne incense threatened the *Priests*. And forthwith there arose a leprosie in his forehead before the *Priests*. And when Azarias the high Priest had beheld him, and all the rest of the *Priests*, they saw the leprosie in his forehead, and in haste they thrust him out; yea and himselfe being sore afraid made haste to goe out, because he felt by and by the plague of our Lord. And here also is nothing, which the *Priests* might not doe by their spirituall authoritie. For I doe not deny, but that it belongeth to the office of *Priests* to exclude excommunicated persons, as in some sorte lepers were in the old law, from the temple of God, and from participation in sacred rites, as S. Ambrose excluded Theodosius the Emperour. Neuerthelesse it cannot be prooued by the words of holy Scripture, that they thrust him out of the temple by corporall violence, and by laying their hands vpon his sacred person, but onely by denouncing with vehement words Gods indignation against him, for feare of which he

he now being stricken by God miraculously with the plague of leprosie did of his owne accord depart in haste out of the temple, which also S. Chrysostome doth sufficiently confirme, saying, *That they thrust him out, no man enforcing him*, and the wordes of holy Scripture, *yea and himselfe being sore afraid made haste to goe out*, doe cleerely intimate the same.

Chryl. hom. 4.
de verbis Isai.
vidi Domi-
num.

87 And thirdly, King Ozias, saith the Scripture, *was a leper untill the day of his death, and he dwelt in a house apart, full of the leprosie, for the which he had bene cast out of the house of our Lord.* Moreover Ioathan his sonne governed the Kings house, and iudged the people of the Land. Neither from this can it be gathered, that the Priests of the old law did intermeddle in any temporall action, or did deprive King Ozias of his kingdome, or the administration thereof; but the most that from hence can be concluded, is, that the plague of leprosie did deprive him of the administration of his kingdome, by ordaining that a leaper should dwell apart out of the campe or Citie, and the Priest did onely declare the law of God, and denounce him according to the signes and tokens prescribed by the law to be infected with leprosie, which is no temporall, but a meere spirituall action.

88 As likewise spirituall Pastours now in the new law haue authoritie to declare, that the goods of the faithfull are to be exposed, if the necessitie of the Church doe require the same, but not to dispose of them, or to take them away by force from the faithfull, and also to declare, when Princes are to vse the materiall sword, for the good of the Church, but not to vse it themselues, as before * I declared out of Ioannes Parisiensis and S. Bernard. And if we should suppose a case which is not, to wit, that heresie, idolatrie or any other mortall crime, doth ipso facto deprive Princes and Prelates of their dominion and Iurisdiction, which was the doctrine of John Wicleffe condemned in the Councell of Constance (and therefore those words of the Ordinary Gloss^e, that a wicked King during the time of his wickednesse is not according to truth to be called a King, but onely equiuocally, as a stony or painted eye, and the same much more is to be said of a wicked Prelate, are to be read warily, and expounded fauourably to excuse them from error) then, I say, that spirituall Pastours may be said to haue authoritie, not properly to depose an hereticall King, but to declare him to be infected with heresie, and consequently, according to this false supposition, depriued ipso facto: But all this is nothing else, but to declare authentically the law of God, which no man denyeth to be within the limites of spirituall Iurisdiction. And this might abundantly suffice for an answer to this example of King Ozias: But because Mr. Fitzherbert shall not, as I said, take occasion to say, that all this hath bene confuted already by D. Schultegemius, I am enforced, good Reader, to intreate thy patience in laying

par. 1. cap. 3.
opact. 2. cap. 9.

¶ in cap. 13. lib. 1. Reg.

downt before theſe things, what I answered in my *Apologie* to this objection of Cardinall *Bellarmino*, and what D. *Schulckenius* hath replied to the same.

89. Forſt therefore I answered, that if this argument of Card. *Bellarmino* taken from the example of King *Ozias* were of force, it would prooue more, then perchance Card. *Bellarmino* would willingly grant, to wit, that not only the *Pope*, but also inferiour *Bishops*, yea and *Priests*, haue power by the law of *God* to depriue *Princes* of their kingdomes for spirituall leproſie, ſeeing that in the olde law not onely the high *Priest*, but also inferiour *Priests* had power to iudge of leproſie. *Leuit. 13.* man, ſaith the law, in whoſe ſkinne and ſiſt ſhall ariſe a diuers colour, or a bliſter, or any thing, as it were ſhining, that is to ſay, the plague of the leproſie, ſhall be brought to *Aaron* the *Priest*, or to any one of his ſonnes, and as his arbitrement he ſhall be ſeparated. Beſides, this example doth alſo prooue, that *Prince* not onely for hereſie, but alſo for all other mortal ſinnes whatſoeuer, may be depoſed by *Bishops* and *Priests*, for thus not onely the ſinne of hereſie, but alſo other ſinnes were figured by leproſie, as Card. *Bellarmino* himſelfe confeſſeth, who ſpeaking of the confeſſing of ſinnes ſaith, that the knowledge of ſinnes, which was figured by leproſie, and is moſt aptly named a ſpirituall leproſie, appertaineth to *Chriſtians Priests*. This was my firſt anſwere.

*h. pag. 542. ad
num. 355.*

90 To which D. *Schulckenius* replyeth thus: I anſwere. It is credible, that in the old *Teſtament* according to the diuerſitie of the leproſie, and the diuerſitie of the perſons there were alſo diuers iudgements, greater and leſſer, and that it was not lawfull for euery *Priest* to iudge a King. But for this his credible eſt, it is credible, he produceth neither *Scripture*, reaſon, nor any other authoritie, and therefore we are rather to beleue the words of holy *Scripture*, which abſolutely affirme, that either *Aaron* the High-*Priest*, or any one of his ſonnes, might iudge of leproſie, without diſtinguiſhing either this kind, or that kind of leproſie, or this kind, or that kind of perſon, then the bare credible eſt of this *Doctour*, grounded vpon his owne bare word, and not vpon any text of holy *Scripture*, reaſon or authoritie. Other *Priests*, ſaith *Abulenſis*, had power to iudge in the plague of leproſie, as *Aaron*, and therefore to whom ſome of them that perſon, who had ſuch ſignes, ſhould be ſent, it was ſufficient. Therefore when *Chriſt* had cured the ten lepers, he did not ſend them ſpecially to the High-*Priest*, but to any one of the *Priests*, ſaying, Goe, ſhew your ſelues to the *Priests*.

*Abul. g. 1. in
cap. 13. Leuit.*

91 But howſoeuer it be, ſaith this *Doctour*, concerning the cuſtome of that nation, aſſuredly in the Church of *Chriſt* greater cauſes are referred to the See *Apoſtolike*, as we read *cap. Maiores de Baptiſmo & eius effectis in the Decretall Epistles*. Therefore euery *Priest* may indeed iudge of the leproſie of ſinne, and abſolve, or bind his *Subiects*, but ſome more heynous crimes

are referred to Bishops, others also to the Pope, as first of all in the crime of heresie, to which the name of leprosie doth autonomastice agree. Therefore it is no merwaile, that every Priest cannot iudge Kings euens for the crime of heresie. Adde, that in the olde Testament is selfe we haue no example, wherein Princes were iudged for leprosie, then by the high Priest.

92 But this Reply doth not answer my argument. For my argument did onely proceede of the power of Priests standing in the law of God, and abstracting from the positieue lawes of the Church: it would follow, said I, that not onely the Pope, but also inferior Bishops, yea also and Priests haue power by the law of God, &c. Now who knoweth not, that cases are referred onely by the law of the Church, and that by the law of God there is no referuation of cases; but that every Bishop, and Priest, to whom the charge of soules is committed, haue by the law of God sufficient authoritie, and iurisdiction to absolve from all cases. I said, to whom the charge of soules is committed, for I doe not intend now to dispute, whether every Priest by his ordination receiue authority, and iurisdiction to binde and loose. For I am not ignorant, that diuers Catholike Doctors, as *Paludanus*, *Abulensis*, *Syluester*, & learned *Nanarius* doe affirme, that standing in the law of God every Priest hath by vertue of his ordination sufficient iurisdiction to absolve from sinnes, which iurisdiction is not hindered but by the prohibition of the Church: And therefore I did not speake of all Priests, as this Doctor imponeth vpon me, but of Priests indefinitely, signifying thereby, that if Cardinall *Bellarmines* argument were good, it would also prooue, that standing in the law of God, not onely the Pope, but also some inferior Priest should haue authoritie to iudge Kings and Princes for spirituall leprosie, considering that in the olde law not onely the high Priest, but also inferior Priests had authoritie to iudge them for corporall leprosie.

93 Neither is it to be maruelled, if there bee no example in the old Testament, wherein we reade, that Kings were iudged for leprosie by any other then by the High Priest: for that in the olde Testament we haue but one onely example of any King, to wit, of this *Ozias*, who was infected with leprosie, yet the words of the holy Scripture, wherein is giuen authoritie to Priests to iudge of leprosie, are common, as well to inferior Priests, as to the High Priest, neither is there any exception made of the persons that are to bee iudged to bee infected, or not infected with leprosie: Yea and in this very example not onely *Azarias* the High Priest, but also all the other eightie inferior Priests iudged King *Ozias*, and resisted him, saying, It is not thy office *Ozias*, &c. And therefore *Ozias* being angry, saith the Scripture, hee brained the Priests, and forthwith there arose leprosie on his forehead before the Priests: And when *Azarias* the high Priest had rebuked him, and all the rest of the Priests,

i In 4. di. ff. 172.

q. 3. ar. 3.

h In Defensor.

part. 2. c. 62. &

seq.

l In verbo

Confessor. 1.

q. 2.

m In Sum. c.

27. no. 259 &

260. & in cap.

Placuit de par-

nibus diff. 6.

no. 48.

they saw the leprosie in his forehead, and in haile they thrust him out. And therefore this Doctour doth not well affirme, that in the olde law were haue not an example, wherein Princes were iudged for leprosie by any other, then by the High Priest, seeing that in this example of King Ozias the High Priest did not any thing, which the rest also of the Priests did not, and which if the High Priest had not bene present at that time, the other Priests might not according to the law haue done without him.

n Pag. 543,

94 Wherefore that also, which this Doctour answereth to my second consequence, which was, that if Card. Bellarmines argument were of force, it would prooue, that Bishops, and also Priests might depose Princes not onely for heresie, but also for all other mortal crimes, is nothing to the purpose. I answer, saith hee, *It is true, that all sinnes are signified by leprosie, but not therefore Princes may bee iudged for all sinnes whatsoeuer by every Priest. Because as we now haue saide, greater sinnes are reserved to greater Prelates, and some to the Pope alone, especially when we speake of persons, that are placed in the highest degree of dignitie.*

95 But what is this to my argument? For first I spake of Bishops and Priests indefinitely, and also standing in the law of God, now this Doctour applieth my wordes to every Priest, and flyeth from the law of God, by which there is no reservation of cases, to the law of the Church and of Popes, by which law onely cases are reserved. But secondly, and principally hee cunningly concealeth the force and drift of my argument. For in this second consequence my principall drift was to speake not so much of the persons, who according to Cardinall Bellarmines argument should have authoritie to depose Princes (for of them I spake in the first consequence, as the Reader may plainly see) as of the crimes, for which Princes might according to Cardinall Bellarmines argument be deposed: And I affirmed, that if Cardinall Bellarmines argument were of force, it would prooue, that Princes might for every mortall sinne be deposed, at least wise by the Pope, if not by inferior Bishops, and Priests: Now this Doctour speaketh not one word concerning the force of this consequence, for as much as concerneth the crime, for which Princes may according to Cardinall Bellarmines argument be deposed, whereof I chiefly treated in this second consequence, but he cunningly flyeth to the persons, who may depose Princes, of whom I spake principally in the first consequence, and he answereth, *that indeed all sinnes are signified by leprosie, but not therefore Princes may be iudged by every Priest for all sinnes*, insinuating thereby that Princes may bee deposed (for of that iudgement I onely spake) at least wise by the Pope for all sinnes, which are mortall, and may infect others, which doctrine how dangerous and pernicious it is to the Sovereignie, and also securitie of Princes, I leave to the consideration of any prudent man.

95 But because, as the vulgar *maxime* saith, *ducere ad inconuenient non est saluare argumentum*, to draw one to an inconuenience is not to solve the argument, I did secondly and principally answer, that this argument of Cardinall Bellarmine taken from the foresaide example of King Ozias, is also most weake, seeing, that the antecedent proposition is very vncertaine, not to say false, and the consequence no lesse doubtfull. And forasmuch as concerneth the antecedent proposition, and the prooff thereof, albeit he doth rightly gather from *Leuit. 13. & 2. Paralip. 26.* that the Priest of the *Leuiticall* stocke might iudge Kings infected with leprosie, and pronounce sentence against them, by declaring the law of God, that they ought to dwell apart out of the campe, which is the first part of the antecedent proposition, seeing that this separation was imposed by God vpon lepers, at the arbitrement, or declaratiue sentence of the Priest; yet hee doth not therefore well conclude, that the Priest of the stocke of *Leui* had authoritie to depriue Kings being infected with leprosie, of their kingdomes, euen by accident, and consequently, vnlesse the depriuing them of their kingdome should necessarily follow their dwelling in a place apart from the rest of the people, which neuerthelesse cannot bee forcibly prooued from the holy Scripture.

97 For as Fa. Suarez doth well obserue, ° the deprivation of dominion doth neuer last, after it once bee done: but that dwelling apart of lepers, to be imposed at the arbitrement of the Priest, did onely continue for the time they were infected with leprosie, for which time neuerthelesse they remained true Kings, although others did administer their kingdome. For vnablenesse to gouerne the kingdome doth not depriue Kings of their right and authoritie to reigne; as it is manifest in a King, who is vnder age, in whom there is true dominion, power, and right to reigne, although vtill hee cometo yeeres of discretion, there is appointed him a Protector and Guardian, who doth in the Kings name, and by the Kings authoritie administer all the affaires of the kingdome. And that King Ozias for all the time of his infirmities, which continued vtill the day of his death, did remaine true King, the Glosse doth most plainly teach 2. Paralip. 26. who writeth thus. *The Hebrewes are of opinion, that this* (the miraculous striking of Ozias with leprosie) *happened in the 25th yeere of Ozias, the rest of whose yeeres are twentie seuen, and he reigned fiftie one yeeres.* And the same is gathered not obscurely from the Scripture it selfe in that place. Wherevpon although we reade in the 21. vers. that for the time Ozias was a leper, *Ioathan his sonne governed the Kings house*, yet wee doe not reade that *Ioathan his sonne reigned for him*, but after that Ozias was dead, vers. 23.

o Disp. 19. de Excommunication, §. 6. m. 3.

98. To this my answer D. Schulckenius replieth thus: P I answer first,

P Pag. 549.

first, although Ozias should haue bene depriv'd only of the administration of the kingdome, and constrained to give it over to his sonne, yet had kept the right, and authoritie to reigne, as my Adversarie Widdrington will haue it, notwithstanding Card. Bellarmines argument would be strong, and vnshaken. For from hence also by the grant of my Adversarie we doe gather, that King Ozias was by the Prielt of Aaron, depriv'd, not only of the communion of sacred things, but also of the administration of his kingdome, and punished not only with a spirituall, but also with a temporall punishment. But my Adversarie denieth, that an hereticall King can be depriv'd of the administration of his Kingdome, and he saith that he can only be depriv'd of the receiving of Sacraments.

¶ 99.

But first it is vntrue, that I euer granted, as this Doctour saith, that the Prielt of the old law depriv'd King Ozias of the administration of his kingdome, but, as you shall beneath, I affirmed the flat contrarie. Secondly, it is strange, how Card. Bellarmines argument can stand firme, and vnshaken, if the antecedent proposition, for as much as concerneth the principall part thereof, be not true, as this Doctour in this his answer doth suppose. For the antecedent proposition of Card. Bellarmines argument contained two parts; the one was, that King Ozias was for leprosie depriv'd of his kingdome, and authoritie to reigne, and from hence he concluded, as you have seene, *If therefore the Prielt of the old law had power to iudge a King, and to depriv'e him of his kingdome for corporall leprosie, why may not a Prielt now doe the same for spirituall leprosie?* and of this part, to wit, of depriv'ing Princes of their kingdomes, and of their right, or authoritie to reigne I did only speake in this part of my answer: And if this part, which was the principall point of Card. Bellarmines argument be supposed to be false, as this Doctour doth suppose, how can his argument, for as much, as concerneth this point, stand strong, and vnshaken.

100 The second part of Card. Bellarmines argument was, that King Ozias was for leprosie depriv'd by the High Prielt of the administration of his kingdome; and of this second part I did not speake one word in this part of my answer, but only of the depriv'ing him of his kingdome, dominion, or right to reigne: And I affirmed, that although the Priests of the old law had authoritie to iudge a leper, and by a declaratiue sentence, or commandement to denounce, that he was to be seuered from the rest of the people, which was only to declare the commandement and law of God, considering that this separation was ordained by the expresse commandement of God after the Prielt had iudged him to be infected with leprosie, yet from hence it cannot be well inferred, that the Priests of the old law had authoritie to depriv'e Kings, that were infected with leprosie, of their kingdomes euen *per accidens*, and consequently, vnlesse their dwelling apart from the rest of the people

people doth necessarily inferre, as it doth not, that they were consequently deprived also of their kingdomes. But their dwelling apart from the rest of the people doth necessarily inferre, saith this Doctour, that they were deprived at least of the administration of their kingdome, and therefore from hence it may be well inferred, that the Priests of the old law had authority to deprive *per accidens*, and consequently Princes that were infected with leprosie at least wile of the administration of their kingdome. But of this I will treate a little beneath, after I have examined the second Reply, which this Doctour maketh to this first part of my answer to his antecedent proposition.

101 I answer secondly, saith D. Schulckenius, King Ozias did indeed retain the name of a King for the residue of his life, but a bare and naked name. For his sonne did governe the kingdome with full power, although without the name of a King. For so the Scripture speaketh 2. Paralip. 26. King Ozias was a leper vntill the day of his death, and he dwelt in a house apart full of leprosie, for the which he had beene cast out of the house of our Lord; Moreover Iothan his sonne governed the Kings house, and iudged the people of the land. The same is said 4. Reg. 15. Therefore we have not from the Scripture, that any part of the gouernment did any way appertaine to Ozias, which Iosephus doth more cleerely explicate lib. 9. Antiq. cap. 11. While he saith, that the sonne of Ozias did take vpon him the kingdome, and that Ozias liued a priuate life vntill his death. But howsoeuer it be, this is manifest, that Ozias was deprived of the administration of the kingdome, and therefore punished with a temporall punishment.

102 But thou wilt say, that Ozias retained the name of a King, and as it was said in the first answer perchance a right to reigne. Therefore from hence it cannot be proued, that hereticall Kings may altogether be deprived of their kingdomes by the Pope. I answer. First from hence it is proued 1. that the Pope may for a iust cause inflict vpon a King a temporall punishment, as is the depriving of the administration of the kingdome. Secondly it is consequently gathered, that for a most weightie cause, and for a very heinous crime, and very pernicious to the Church, as for example is heresie he may inflict a more grievous punishment, as is the depriving him altogether of his kingdome. For both Innocentius the fourth did remove Sanctius the second King of Portugall from the administration of the kingdome, because he was vsurper, and gave him his brother Alphonsus the third for a Coadiutor, and also he deprived of the Empire Friderike the second in the Conuencell of Lyons being declared an enemy to the Church.

103 But first, that King Ozias retained only the bare name of a King without any Royall right, authoritie, or dominion, it is very false, and affirmed by this Doctour without any colourable ground at all. For the Scripture doth not only call Ozias a King, after hee was infected with

f 2. Paralip.
26. & 4. Reg.
15.
e 2. Paralip.
26. 27.

v 4. Reg. 15.
9. 4.

x lib. 26. de
Repub. cap. 5.
num. 2.

with leprosie, and recounteth the yeeres of his reigne in the same manner, as he recounteth the yeeres of the reigne of other Kings, who had not only the bare name, but also the true authoritie of other Kings, but it doth also affirme, *that he reigned all the rest of his life, and that Ioathan beganne to reigne only after his Fathers death. Sixteene yeeres old, saith the Scripture, was Ozias, who also was called Azarias 4. Reg. 15. When he beganne to reigne, and he reigned two and fiftie yeeres in Ierusalem. And againe. And Ozias slept with his Fathers, and they buried him in the Kings sepulchres field, because he was a leaper; and Ioathan his sonne reigned for him. Five and twentie yeeres old was Ioathan when he beganne to reigne (and therefore he did not reigne in his Fathers time) and he reigned sixteen yeeres in Ierusalem.*

104 Ioathan, saith *Abulensis*,^u was not called King, neither did he sit in the Kings seate of estate, but Ozias was called King all the time he lived and under him is reckoned the time of the kingdome, and the power, or authoritie concerning those things, which were done in the kingdome did depend on him, although they were administred by Ioathan his sonne: and beneath, *This Ioathan, saith Abulensis*, was the only or at least wise the eldest sonne of Ozias, therefore he did succede in the Kingdome, his Father being dead; for his Father being alive, he did governe the Palace, and sustained the whole weight of the Kingly labour. *Allo^x Gregorius Tholosanus* among other reasons, which he brought to proue, that a Prince ought not to be deprived of his kingdome, for that hee is, or seemeth to be vnfit to governe the same, he produceth this example of King Ozias. *Seeing that saith he, also Azarias, or Ozias (for he was called by both these names) King of Iudaea, was stricken by God with leprosie for this sinne, that he did not destroy the Altars of the Idolls, after he was become a leaper, he lived indeede until the day of his death in a free house apart: yet he was not deprived of his kingdome, but Ioathan his sonne governed the Kings Palace, and did iudge the people of the Land, as his Coadiutor: And another cause of his leprosie is alledged, for that he presumed to burne incense vpon the Altar of incense, which was only the office of a Priest, yet in both places it is said, that Ioathan reigned for him only after his death, but that before his death he only administred the kingdome in his Fathers name.*

105 Wherefore that, which this Doctour affirmeth, that the Kings sonne administred the kingdome with full power, is equiuocally, although the Scripture maketh no mention, that he administred the kingdome with full power, but only, that he governed the Kings Palace, and iudged the people of the Land: for if he meane, that he administred the kingdome with a full absolute and supreme authoritie, this is very true; for this authoritie did belong only to the King, in whose name, and by whose authoritie he governed the Kings Pallace, and iudged the people; but if his meaning be, that he administred the kingdome with a full delegate

delegate power, and which in some cases the King may communicate to a subiect, who is onely an *administratour*, and *gouverneur*, but not a King, this I will easily grant. Belike this *Doctour* will haue the Kings *Protectour*, and *Guardian* in the time of his minoritie, or who *administred* the kingdome, when the King is absent in some forraigne countrey, or when hee is taken prisoner by his enemy, or when by reason of some great infirmitie, hee cannot gouerne by himselfe, to haue full, absolute, and supream power, and consequently to be in very deepe the *Soueraigne King*, and to haue *Kingly authoritie* to gouerne the kingdome which how absurd it is, any man but of meane capacitie may easily perceiue.

106 Neither from *Iosephus* can any other thing bee gathered, then which the Scripture it selfe affirmeth, to wit, that King *Ozias* lived in a house a-part, and his sonne *Ioathan* gouerned the Kings house, and iudged the people of the Land. For the words of *Iosephus*, as they are related by this *Doctour*, are not so bee vnderstood, that *Ioathan* tooke vpon him the kingdome, and to reigne; for *Ozias* all the time of his life was King, and did reigne, as *Iosephus* affirmeth in the same place: but that hee tooke vpon him to administer, or gouerne the kingdome in his Fathers name, who by reason of his infirmitie, for which hee was bound by the law of God to liue in a house a-part from the rest of the people, could not conueniently gouerne the same: But the words of *Iosephus* according to the Edition which I haue, and which also *Cardinall Bellarmine* in his booke against *Barclay* followeth, are these. After the Priests had perceiued the leprosie in the Kings face, they tolde him, (or if the word bee iudicauerunt, and not indicauerunt) they iudged, that hee was stricken by God with the plague of leprosie; and they aduised him, that hee would depart the Citie, as one polluted, and vncleane. And hee with the shame of his calamitie obeyed, being so miserably punished for his pride ioyued with impietie; and when for a time hee liued private out of the Citie, his sonne *Ioathan* administering the kindome, at length being consumed with sorrow hee dyed the sixtie eight yeere of his age, and the fiftie second of his kingdome or reigne.

107 From which wordes this onely can bee gathered, that *Ioathan* administered the kingdome, and gouerned the Kings Pallace, and iudged the people, as the Scripture saith, yet that *Ozias* was stil King, and reigned, although he liued private, that is, not deprived of his kingdome, for he still remained King, and did reigne vntill his death, as *Iosephus* confesseth, but privately, to wit, he did not meddle with the publike affaires of the kingdome, but liued in a free house apart, as the Scripture saith, which words *Ambrosius* expoundeth thus: *And hee dwelled in a free house apart*, that is, hee did not dwell in the Kings Pallace; for hee being

y q 4. in 4 Reg. 15.

being a leper ought not to give himselfe to businesse, neither did he dispose of the kingdome, but Ioathan his sonne; and it is called a free house, that is, sequestred from all businesse, and frequentation of people: for none did resort to him but those, who served him; ont the rest which belonged to the Kingly affaires Ioathan did; and perchance it is called a free house, because it was out of the Citie. Therefore that the Kingly estate, promise, pompe, should not cease, Ioathan Ozias his sonne governed the Kings Pallace, to wit, he remained in the Kings house, and all the Nobles, and mightiest men of the Land had recourse to him as they were wont to have recourse to Ozias, and he kept all the servants, and all the other promise, which his Father kept, that the Regall state should not seeme to be diminished, and yet he was not called King, neither did he sit in the Kings seate of estate, and the rest as follow before nu. 104.

108 Wherefore D. Schulckenius perceiuing this his assertion not to be grounded either in Scripture, reason, or any other authoritie flyeth backe againe to his former answer, that Ozias was at leastwise deprived of the administration of the kingdome, from whence first it is proued, sayth he, that the Pope may inflict upon a King for a iust cause a temporall punishment, as is the depriving of the administration of the kingdome; and secondly from thence consequently it is gathered, that for a most important cause, and a very heinous crime, as is heresie, he may inflict a greater punishment, as is the depriving him altogether of his kingdome.

109 But although I should grant to this Doctour, that the High Priest did deprive King Ozias *per accidens*, and consequently not onely of the administration of the kingdome, but also of the kingdome it selfe, and right to reigne, that is, by declaring him to be a leper, which disease did by the law of God, as we now suppose, but doe not grant, deprive him *ipso facto* of his right to reigne, yet first thence it cannot be proued, that the Pope hath the like authoritie to deprive an hereticall King of his Kingdome, or the administration thereof *per accidens* or consequently, for that no punishment is appointed by the law of Christ to heresie, as it was in the old law to leprosie: but to punish heretikes with this or that kind of spirituall punishment Christ hath left to the discretion of spiritual Pastours, and to punish them with temporall punishments to the discretion of temporall Princes, who therefore, as well said Dominicus Barnes, may put heretikes to death, or punish them in some other manner. But if Christ our Sauour had in the new law assigned particularly any temporall punishment, as death, banishment, priuation of goods, or the like, for those who should be infected with heresie, as God in the olde law did ordaine, that lepers should dwell out of the Campe in a house apart, then the Pope might indeed punish heretikes temporally *per accidens* and consequently, to wit, onely by declaring the law of Christ, and that they were infected with heresie, to which crime such punishments

ments are according to this supposition appointed by the law of *Christ*; Neither should he herein transcend his spirituall authoritie: But to execute this law by putting heretikes to death, or by inflicting vpon them temporall punishments, and punishing them actually with the same, doth exceede the limits of that spirituall authoritie, which hath beene giuen to the *Priests* eyther of the new law, or of the olde.

110 And albeit *Pope Innocent* the fourth, and also other *Popes* haue depriued Soueraigne *Princes* very few times for heresie, but often for other crimes, not onely of their administration, but also of the kingdome it selfe, yet this is no sufficient ground to prooue, that they had any true and rightfull power so to doe, as it is manifest of it selfe, and in my *Apologie* I haue declared more at large, ² for that it is one thing, ² *Deu. 444. 445* saith Cardinall *Bellarmino*, ² to relate the facts of Kings, and so of *Popes*, ^a a 10 Respons. and other persons, and another thing to prooue their authoritie, and power. ^{ad Apolog.} And thus much concerning the first part of my answer to the antecedent proposition of Cardinall *Bellarmino*'s argument. The second part ^{pag. 157. Edit.} of my answer was contained in these words. ^{Colon.}

111 Neither also doth Cardinall *Bellarmino* sufficiently confirme, ² that the Leuiticall *Priests* had authority to depriue *Kings* that were ² infected with leprosie onely of the administration of their kingdomes, ² for that time onely that they were infected with leprosie. For albeit ² *Ozias*, after he was stricken by *God* with the plague of leprosie did not ² administer the kingdome, the cause thereof might bee, for that hee being not fit to gouerne the kingdome during the time of his infirmities, ² did commit the gouernment to *Ioathan* his sonne, and did appoint him ² the Administrator of the kingdome, vntill he should be restored to his former health. But that a *Priest* of the old law had authority to depriue *Kings* being infected with leprosie either of their kingdomes, or of the administration thereof, it cannot bee sufficiently gathered from the holy *Scripture*. As also we cannot sufficiently collect from the holy *Scripture*, that a *Priest* of the old law had authoritie to depriue householders being infected with leprosie either of their goods, or of the administration thereof, although it be very like, that seeing such householders ought at the iudgement of the *Priest*, declaring them to be lepers, to dwell out of the campe, they themselues did commit to others the authoritie to bee administrators of their goods for the time they were infected with leprosie; And so the weakenesse of the antecedent proposition is manifest.

112 Now you shal see in what a shuffling manner D. Schulckenius replieth to this my answer. I answer, saith he, ^b These make nothing to the matter. It is enough for vs, that King *Ozias* did by the commandement of the High *Priest* dwell in a house apart from the time of his leprosie vntill his

b Pag 548.

his death; and that seeing hee could not conuerse with the people he was enforced to permit the administration of the kingdome to his sonne, so that nothing at all concerning the affaires of the kingdome was referred to him. But if he had not bene subiect to the power of the High Priest, he might haue contemned the high Priest, and against his will dwell in the Kings Cittie, and gouerne the kingdome either by himselfe, or by his Ministers. For leprosie doth not take away the iudgement of the mind, and wisdom necessarie to gouerne. Truly Naaman Syrus was a leeper, and because he was not subiect to the high Priest of the Hebrewes, he did not dwell in a house apart, but he was the Generall of Warre, and he went wheresoever he would. See 4. Reg. 5.

And in the same manner the High Priest might deprive householders of the administration of their goods, especially if they had any in Citties, because he did separate them from the people, or the conuersation of men, and did exclude them from Citties, and consequently deprived them of the administration of those goods, which they had in Citties, albeit they might administer them by others. Thus D Schulkenius.

113 But truly it is a shame to see with what face this Doctor can so boldly affirme, that the principall question, which is now betwixt Card. Bellarmine, and me, to wit, whether King Ozias was deprived either of his kingdome, or of the administration thereof by the High Priest, is nothing to the matter. Before, as you haue seene, both Card. Bellarmine, and also this Doctor, if they be two different men, haue laboured to proue, that King Ozias was for corporall leprosie deprived by the high Priest not only of the administration of his kingdome, but also of the kingdome it selfe, and of his right or authoritie to reigne; from whence they inferred, that therefore the Pope might for spirituall leprosie deprive temporall Princes not only of the administration of their kingdomes, but also of their kingdomes, and all Regall authoritie, or right to reigne. And the second part of this antecedent proposition I did confute aboue, and proued clerely, that Ozias did still remaine true King *de iure* vntill his death, and was not deprived of his Royall authoritie, or right to reigne, although his sonne Ioathan did *de facto* in his fathers name, and by his Fathers authoritie administer the kingdome. To the first part of the antecedent proposition, which this Doctor affirmed to be manifest, [but howsoener it be, saith he, to wit, whether Ozias remained King only in name, or also with Regall authoritie, it is manifest, that he was deprived of the administration of the kingdome, and therefore punished with a temporall punishment] I did now answere, affirming that Card. Bellarmine had not sufficiently proued the same; for that it might be, that he perceiuing himselfe to be vnfit by reason of leprosie, for which he was by the law to dwell in a house apart, to gouerne the kingdome by himselfe, did willingly and of his owne accord commit the gouernment thereof to his sonne Ioathan, from whence it cannot bee gathered, that he

hee was deprived of the gouernment by the *high Priest*. And now this *Doctour* being pressed with this answer bluseth not to say, *That this is nothing to the matter*, as though to confute that which hee himselfe affirmeth to bee manifest, to wit, *that King Ozias was by the high Priest deprived of his Kingly gouernment for corporall leprosie is nothing to the matter*. But to such shamefull windings, turnings, and shiftings are sometime brought men, otherwise learned, rather then they will plainly and sincerely confesse themselues to haue grossly erred, in coyning their false, or fallible opinions, for true and vndoubted points of Catholike faith.

114 Obserue now, *good Reader*, in what a fraudulent maner this *Doctour* would seeme to prooue, that my aforesaid answer is *nothing to the matter*. It is enough for vs, saith he, *that King Ozias did by the high Priests commandement dwell in a house apart all the time of his leprosie vntill his death, &c.*

If this bee enough for this *Doctour*, I shall easily agree with him heerein, for that I doe willingly grant, that the *high Priest* might commaund King *Ozias* being infected with leprosie to dwell in a house apart; Onely this I must admonish him, that *Ozias* was bound to dwell in a house apart, not so much by the commandement of the *high Priest*, if wee will speake properly, as by the commandement of almighty God, who by his law did expressly ordaine, that all lepers should dwell apart from the rest of the people; and the *Priests* office only was to iudge according to the signes and tokens prescribed by the law, whether they were infected with leprosie or no, and to declare the law of God, which are spirituall not temporall actions; abstracting from which law the *high Priest* had no authoritie to command King *Ozias*, or any other leper to liue in a house apart from the rest of the people. Wherefore this commandement of the *high Priest* was not any *constitutive commandement* of his owne, imposing a new obligation vpon King *Ozias*, to which he was not tyed before, although the *high Priest* had not commanded him, but it was onely a *declarative commandement*, or a declaration of Gods law and commandement, whereby all lepers were long before commaunded to dwell in a place apart from the rest of the people: But from hence this *Doctour* cannot gather, that the *Priests* of the new law may for spirituall leprosie depriue Kings of their kingdomes, or the administration thereof, or of their right and freedome to dwell in their Cities, or Pallaces, and separate them by way of temporall constraint from all ciuill conuersation of men, vnlesse hee will grant with *Iohn Wicklese*, that these punishments are by the law of *Christ* annexed to spirituall leprosie, as in the old law the dwelling in a place apart from the rest of the people was annexed to corporall leprosie. Neuerthelesse I doe not deny, that the

Priests of the new law haue authority to declare what is spirituall leprosie, and what crimes doe notably infect the soule, and what punishments are by the law of *Christ* annexed to such maladies, and also to separate heretikes and other spirituall lepers from the sacred, religious, or spirituall conuersation of the faithfull, for these are spirituall, not temporall actions, and punishments.

115 But Ozias, *living in a house apart*, could not, saith this Doctor, conuerse with the people, and so he was enforced to permit absolutely to his sonne the administration of the kingdome, that nothing at all should be referred to him, concerning the affaires of the kingdome.

But first, it is not true, that King Ozias speaking properly was *coactius*, that is, enforced or compelled by corporall force, and violence, or by the *coactiue* force of the law, which consisteth in the inflicting of temporall punishments, to liue in a house apart from the rest of the people, but onely he was bound thereunto by the *directiue*, or commanding force of the law of God, which ordained, that all lepers should bee separated from the rest of the people, and dwell alone by themselves out of the Campe; for seeing that the King was *supreme* in temporalls, and subiect therein to none but God alone, and the *High Priest* were subiect to him therein, and might bee punished by him with temporall punishments, as I shewed before, hee could not bee subiect to the coactiue, or enforcing power of the law, which ordained the inflicting of any temporall punishment; And therefore wee neuer read in the holy Scripture, that the *High Priest* of the old law, whom my *Adversaries* affirme to haue authoritie to inflict vpon a King a temporall punishment, did euer attempt to put any King to death, who had committed any crime that deserued death according to the law, as you find many Kings to haue committed such crimes, as *Dauid* committed adulterie, which according to the law of God was to bee punished with death, and most of the Kings of Israel were Idolaters, whom God commanded to be put to death, and this crime also of King Ozias for vsurping the office of a *Priest* deserued death according to the Law.

116 Secondly therefore, although he was in some sort, speaking improperly, enforced, or compelled, that is, he was bound by the law vnder paine of sinne to liue in a house apart from the rest of the people by reason of his leprosie, yet it was the law of God, and not the *high Priest*, but onely as iudging him to bee a leper, and declaring the law of God, and his indignation against those who should transgresse his law, that compelled him thereunto, which declaration being a meere spirituall action, without doubt did, according to the law of God in the old law, belong to the function of the *high Priest*; and therefore the most that from hence can be inferred is this, that the *Priests* of the new law haue also authoritie to declare the law of *Christ*, and to iudge what

what is spirituall leprosie, and what punishments are by the law of Christ appointed against heresie, and other crimes which may infect the soule; but that spirituall *Pastours* haue now authoritie to inflict temporall punishments vpon heretikes, or any other spirituall lepers, it cannot from hence be gathered by any probable reason.

117 Thirdly, it is very vnttrue, that because King *Ozias* was by the law commanded to liue in a house apart, so long as hee remained a leper, it doeth consequently follow from thence, that he was also enforced, bound, or compelled to permit absolutely the administration of the kingdome to his sonne, so that nothing concerning the affaires of the kingdome should bee referred to him: for that a King may liue in a house apart, not onely out of the Citie, but also out of the kingdome, and yet he may gouerne his kingdome by his *Ministers* in such sort, that the chiefe things hee may reserue to himselfe, as diuers Kings by their *Vice-Roys* doe gouerne forraine kingdomes, reseruing diuerst things, as the placing or displacing of the chiefe Officers, the making of warre against their neighbour *Princes*, or such like important affaires to themselves: and therefore from the dwelling of *Ozias* in a house apart, either in the Citie, or out of the Citie, it cannot bee sufficiently gathered, that hee was therefore enforced to permit absolutely the administration of the kingdome to his sonne, so that nothing concerning the affaires of the kingdome should bee referred to him; especially seeing that, as this *Doctour* sayeth, leprosie doeth not take away the iudgement of the mind, and wisdom necessary to gouerne.

118 Neither also is it true, that King *Ozias* could not conuerse with the people, as this *Doctour* so boldly affirmeth. For although it was ordained by the law, that lepers should dwell alone out of the campe, and be separated from the rest of the people, yet the law did not forbid any man to speake, or talke with them, or them with others: yea which is more, it was not forbidden by the law, as well obserueth *Abulensis*,^c to touch a leper; for although the touching of a leper did cause a legall uncleanness, yet it was not any sinne, or imperfection to incurre a legall^c uncleanness, but sometimes it was meritorious to bee legally polluted: for to touch dead bodies, and graues was a legall uncleanness Num. 19. and yet to bury the dead was a meritorious worke, for which *Tobias* is greatly commended; and sometimes also a man was bound to incurre a legall uncleanness, as children were bound to bury their parents, and yet by this they were legally polluted *Leuit.* 10. & 21. and not only in prophane things, but also in diuine mysteries: Priests were sometimes bound by the law to be legally polluted: as the Priest who offered a red cow in a burnt sacrifice was polluted, and yet this was done by the commandement of God. Num. 19. See also the like *Leuit.* 16. Therefore to incurre a legall uncleanness was not forbidden by the law, but it

c In ca. 8. Mat.
q. 12. & 13.

was onely forbidden to enter into the Sanctuarie, or to touch sacred things before he should be cleansed. *Leuit. 15.* and therefore it was not a sinne according to the law to touch a leper after what maner soeuer, vnlesse he that was so polluted, would before his purification enter into the Tabernacle, or participate in sacred things. *Leuit. 15.* So that it is manifest, that King Ozias was not so debarred from all ciuill conuersation, but that he might sufficiently declare to his *Depuies* and ministers, what he would haue done concerning any important businesse in the kingdome.

119 Wherefore it can not be prooued, that King Ozias was depriued for his leprosie of the administration of his kingdome, and enforced to permit absolutely to his sonne the government thereof, that nothing at all should be referred to him concerning the affaires of the kingdome, although it might very well be, that he seeing himselfe for his great pride, and arrogancie stricken by God with the plague of leprosie, and that he could not so conueniently, and in such Royall maner, and remaining in his owne Pallace gouerne the kingdome, as he did before, did freely, and of his owne accord, and not vpon any constraint or absolute necessity appoint his sonne the sole administratour of the kingdome, and that he being now humbled by the potent hand of God would not for the time of his infirmities meddle at all with the government, which is more to be attributed to his humilitie, then to any necessitie, for that he might, if he had bene pleased, haue reserued some affaires of greatest moment to his owne iudgement, and referred the rest to those ministers, whom he should appoint; and as his sonne *Ioathan* was made administratour of the kingdome by his appointment, and gouerned in his name, and by his authoritie, so also if *Ioathan* had caried himselfe partially and tyrannically in the government, he might by the authoritie of his father, who still remained the true and rightfull King, haue bene displaced, and another put in his rouble.

120 But if King Ozias had not bene subiect (saith this Doctor) to the power of the high Priest, he might haue contemned the high Priest, and against his will haue dwelled in the Regall Citie, and also haue gouerned the kingdome.

But first no man maketh any doubt, but that King Ozias was subiect to the high Priest in spirituals, as was euery sentence or iudgement, wherein he declared the law of God: And therefore the King was bound not to contemne in such things the commandement of the high Priest; neither could he being now declared a leper, either with the leape, or against the leane of the high Priest dwell in the kingly Citie among the rest of the people, for that by the law of God, and not by any constitutive commandement of the high Priest, he was to dwell apart from the rest of the people. Wherefore that clause [and against his will he might haue dwelt in the Regall Citie] is added by this Doctor to

no purpose, vnlesse he would signifie thereby, that the law concerning the dwelling of lepers apart from the rest of the people, was not the law of God, but onely the law and commandement of the *high Priest*, and that therefore King *Ozias*, and other lepers might with the leaue and licence of the *high Priest* dwell in the *Citie* among the rest of the people.

121 Secondly, if King *Ozias* had contemned the *high Priest*, and had against his will dwelled in the *Regall Citie*, although he had greatly offended therein by transgressing the law of God which the *high Priest* ought by his Office to declare to all the people, yet he could not therefore be punished by the *high Priest* with any temporall punishment, for that he himselfe was *supreme* in temporals, and subiect to none but God, and the *high Priest* was, as I shewed before, subiect to him therein, and might be punished by him with temporall punishments. But as for the administration of the kingdome, he should no way haue transgressed the law of God, albeit he had gouerned the same against the *high Priests* will, for that he was not by his leprosie deprived of any iote of his *Regall* authoritie. Neither can this *Dottour* well declare, how King *Ozias* being a man of iudgement and wisdom notwithstanding his corporall leprosie, could be deprived of the administration of his kingdome, or which is all one, of his right and authoritie to gouerne the same for the time of his leprosie, if he once suppose, that he still remained true King, and had true *Regall* authoritie: seeing that to deny obedience to a Prince so long as he remaineth Prince, is plainly repugnant to the law of God, sayth Card. Bellarmine; ^d and, as Suarez doth well affirme, ^e the obligation of obedience in any degree, or state doth so long endure in the subiect, as the dignitie, or power and iurisdiction doth endure in the Superiour, for these are correlatives, and the one dependeth on the other.

d in Tract contra Barda. cap. 21. pag. 102. e in Defensio dei Cathol. c. 1. lib. 6. cap. 3. n. 6.

122 And in the same manner, saith this *Dottor*, might the *high Priest* deprive householders of the administration of their goods, especially which they had in *Cities*, because he did separate them from the people or conuersation of men, and did exclude them from *Cities*, and consequently did deprive them of the administration of those goods, which they had in *Cities*, although they might administer them by others.

But this also is apparently vntrue. For although the *high Priest* had authoritie to declare, that house-holders being infected with leprosie were to dwell apart out of the campe or *Citie*, but yet so that they might talke and speake a farre of to others that should come to visite them, as I signified before; and in this sense the *high Priest* may be said to haue authoritie to separate them from the rest of the people, to wit, by declaring the law of God, and not by any *constitutive* commandement of his owne, yet from hence it doth not follow, as this *Dottor*

flour affirmeth, that the high Priest did consequently deprive them of the administration of their goods, which they had in the Citie. For he that is deprived of the administration of his goods, can neither set, let, sell or giue away his goods, or make any other contract concerning them, which is valid and of force by law, as it is apparant in all those who are deprived of the administration of their goods, as are orphans vnder age, mad-men, and many times also *umbrists*, or ouer prodigall persons are by the law deprived of the administration of their goods, and can make no bargaine, which is valid by law, and therefore they haue Ouerseers, Guardians or Administratours appointed them.

123 Now what man of learning will affirme, that he who either by sicknesse, imprisonment, confinement or banishment, is separated from the places where his goods doe remaine, is consequently deprived of the administration of his goods? Is an Englishman, who for some crime or cause is banished his Countrey, consequently deprived of the administration of his goods, which he hath in England? and can not he by authenticall writings, set them, sell them, or giue them away? Must he that is rightfully detained in prison, be consequently deprived of the administration of his goods, which he hath out of prison, can he not set, or sell his lands, or goods, which he hath in the Citie, or Countrey? What an vnfound consequence is therefore this, which this *Doctour* maketh. *The high Priest did exclude lepers out of the Citie, therefore he did consequently deprive them of the administration of those goods, which they had in the Citie?* But they can not come to the Citie to set or sell their goods. Who doubteth of this, if they be banished the Citie? as neither he that is detained in prison, or banished the kingdome, can goe out of prison into the Citie, or returne into the kingdome to administer his goods, and to set them, sell them, or giue them away without incurring the danger of the law. But will any man of learning from thence conclude, that therefore he is consequently deprived of the administration of his goods, which he hath in the Citie or kingdome? Or that if he should against the law adventure to get out of prison, or the place of his confinement to administer, or make away his goods, the contract should be vniust, and of no effect for want of right and authoritie to administer the same? And thus you see that both parts of the antecedent proposition of Card. *Barbarinus* argument are very vntrue.

124 But although we should graunt onely for Disputation sake, both parts of the antecedent proposition, to wit, that the Priests of the olde law had authoritie to deprive in that manner, as I declared, that is, not by any constitutiue commandement of the high Priest, but onely by the declaring the law of God, the Kings of Iuda being infected with leprosie not onely of the administration of their kingdomes, but also

also of their kingdomes, or, which is all one, of their Regall authoritie and right to reigne; yet how weake and insufficient is also the consequence of his argument, and so the whole argument, and euery parte thereof altogether defectiue, I shewed in these words.

125 As concerning the consequence, albeit wee should grant the antecedent proposition, to wit, that the *Priests* of the old law had authority to depriue *Kings* being infected with leprosie, at least wife of the administration of their kingdomes, not *per se*, but consequently as Card. Bellarmine deduceth, to wit, for that they had authority to separate them from the company of the rest of the people, and consequently, as he saith, to depriue them of their kingdome, yet we deny his consequence. For that figure of the lepers doth consist in this, that as in the old law they that were infected with corporall leprosie, ought to be separated at the arbitrement of the high *Priest* from the company of the rest of the people, so long as they were infected with leprosie, so in the Euangelical law they that are infected with spirituall leprosie may by Bishops be excluded from the Ecclesiasticall communion of the faithful, vntill they shal returne to their former health. And therefore if from this that lepers ought vpon the sentence of the *Priest* to remaine in a house apart out of the campe, vntill they were healed, it doth necessarily follow, that they had not power for that time to gouerne their temporall kingdome, no meruaile, that consequently also they were for that time depriued of the administration of the kingdome: But it is manifest enough among the learned Diuines and of better note, as wee haue seene aboue, f that the depriuing either of a temporall kingdome, or of the administration thereof doth not necessarily follow Ecclesiasticall excommunication. And therefore this similitude of Card. Bellarmine doth also faile in this, and therefore his whole argument is not forcible.

126 Yea also if Card. Bellarmine in his Treatise of the *Eucharist* doth argue well from the figure to the thing figured, where from the figures of the old Testament he prooueth, that *Christ* our Lord is truly and really present in the *Eucharist*, albeit we should grant, that the *Priests* of *Leui* had power to depriue *Kings* being infected with leprosie of their kingdomes, not only consequently, but also *per se*, and principally, yet it would not therefore follow, that the *Priests* of the new law had also that power to depriue hereticall *Kings* of their kingdomes. For by this very same that corporall leprosie, and the punishment annexed to it by the law of God was a figure of heresie or spirituall leprosie, and of the punishment which is agreeable to it by the law of *Christ*, heresie ought not by the Euangelicall law to be punished with the losse of a temporall kingdome in regard of the signification of the figure, for that this punishment was in the old law ordained for corporall le-

f Nu. 346.
Apolog.

cc *profie*, but with a punishment of a higher degree, to wit, *spirituall*, and
 cc the losse of an euerlasting kingdome; because the *figure* is alwaies lesse
 cc perfect, and of an inferiour degree then is the thing *figured*, as the sha-
 cc dow in respect of the body, as Card. *Bellarmino* doth in that place af-
 cc firme. And by this reason some Diuines doe not vnaptly gather, that
 cc *Christ* our Lord was an eternall King, and of a higher degree, because
 cc he was figured by *Malchisedech*, who was a temporall King.

cc 127 But that which Card. *Bellarmino* addeth in the end out of
 cc the first to the *Corinthians* chap. 10. that all things chaunced to the *Iews*
 cc in figure to prooue from thence, that corporall leprosie in the old Testa-
 cc ment was a figure of heresie, and spirituall leprosie, he doth not well de-
 cc duce out of Saint *Paul*, neither doth he entirely and faithfully produce
 cc his words: For Saint *Paul* doth onely say in that place, *All these things*
 cc (to wit, those few things, before he had rehearsed) *did chance to them*,
 cc in figure, but he maketh no mention at all in that place of this figure of
 cc leprosie. Thus I answered in my *Apologie*.

g Pag. 550.

128 Now to this my answere D. *Schulckenius* & replieth thus. I
 answere. First, when *Bellarmino* saide, that *Ozias* was enforced to resigne
 vp the kingdome to his sonne (for my *Aduersary* *Widdrington* seemeth to
 wrest this awry.) by the kingdome he vnderstood not the name of King,
 but the administration of the kingdome with full power, or Regall au-
 thoritie. But I did not wrest awry, or misinterpret that word *kingdome*,
 for I prooued, as you haue seene, that *Ozias* did not resigne vp to his
 sonne his Kingly authority, but he still remained King, not onely in
 name but also by right, and in very deede; and that his sonne had in-
 deede full authority to gouerne, or administer the kingdome, as an Ad-
 ministratour, Protectour, Gaucdiaw, or if we may say so, Vice-Roy, but not
 supreme, or Regall authority.

h Nu. 346

129 Besides that, saith this Doctor, good Diuines cited aboue by
 my *Aduersary* *Widdrington*, as *Paludanus*, *Richardus*, *S. Antoninus*, *Sotus*,
Medina, *Richeomus*, and two (they are my *Aduersary* *Widdrington*'s
 words) most famous Diuines of this age, and of the same Religious Order
 with Card. *Bellarmino*, *Franciscus*, *Suarez*, and *Martinus Becanus*, doe
 teach that which is true, and denied by no man, to wit, that by excommu-
 nication precisely, and per se men are not deprived of the dominion of their
 temporall goods, and thereby not deprived of their Kingdomes, and Seigne-
 ries: But that which my *Aduersary* *Widdrington* doth impose upon them,
 to wit, that they are not deprived of the administration of their kingdome,
 this they doe not teach. For it is the common opinion of Diuines, and Con-
 sistits, that by excommunication men are deprived of their power to iudge, and
 of other acts belonging to the external Court, wherein the administration
 of ciuill Iurisdiction doth consist.

Forensibus
actibus.

130 For *Suarez* doth say and prooue three things against my *Aduersary*

versary Widdrington, in the place cited by my Adversary, Tom. 5. disput. 15. sec. 6. First, that by excommunication externall iurisdiction doth cease in the person excommunicated, and all acts, which doe appertaine thereunto.

Secondly, that in subiects doth cease the obligation of fidelitie, being also sworne, after the sentence is given by an Ecclesiasticall Iudge, and hee proooveth it by the chap. Nos sanctorum, & cap. Iuratos 15. q. 6.

Thirdly, that dominion, and temporall goods doe not cease, unlesse there be mention made of them, as truely it is made in the excommunication of heretickes, who are deprived of all goods, and of all dignitie. Wherefore, seeing that our principall question is concerning the leprosie of heresie, it is plaine, that my Adversary Widdrington hath imposed upon Catholike Doctours a false doctrine for true.

131 But truely it is plaine, that this Doctour cannot with any colourable Reply impugne my answers, but either by equivoating, chopping, or changing, corrupting, or misinterpreting my words or meaning. For my words in this place, which this Doctour after his vsuall manner doth misinterpret, are, as you haue seene, that according to learned Divines, the depriving either of a temporall kingdome, or of the administration of a temporall kingdome, doth not necessarily follow Ecclesiasticall excommunication, marke that word necessarily follow. And in the number 346, to which also I referred the Reader, I affirmed, that Excommunication ex se, of it selfe, or of it owne nature, hath not sufficient force to deprive a Prince of his dominion, or of the vse thereof. And this I proovued by the definition of Excommunication assigned by Suarez, to wit, that it is an Ecclesiasticall Censure, whereby one is separated from the Ecclesiasticall communion of the faithfull, which definition is taken from Saint Augustine as he is cited in the Canon lawⁱ who saith. that every Christian who is excommunicated, is remooved from Ecclesiasticall communion.

Suarez tom. 5. de sp. 8. sec. 1.

i 11. q. 3. omnis Christianus.

132 From whence it necessarily followeth, that Excommunication ex se, of it selfe, of it owne nature, or by any intrinsecall, and necessarie consequence doth only exclude from Ecclesiasticall communion, and from that which by a necessary consequence doth follow the excluding from Ecclesiasticall communion, and consequently it doth not ex se, and of it owne nature deprive one of any ciuill dominion, or iurisdiction: For that the excluding from Ecclesiasticall communion, or, which is all one, from communicating in Ecclesiasticall, spirituall, or sacred things, doth onely make him to be as a Heathen, or a Publicane, according to that saying of our Sauour, ^k But if hee shall not heare the Church, let him be to thee as the Heathen, or the Publicane; But although Heathens, and Publicanes, cannot participate with the faithfull in Ecclesiasticall, sacred, or spirituall affaires, yet they are not therefore excluded from any ciuill conuersation, dominion, or iurisdiction.

k Matth. 18.

133 Wherefore it is manifest, that when I said, that the depriving a Prince of a temporall kingdome, or of the administration thereof, doth not, (according to very learned Divines, among whom I numbred Suarez, and Becanus) necessarily follow Ecclesiasticall excommunication, and that Excommunication ex se, of it selfe, or of it owne nature, hath not sufficient force to deprive a Prince of his dominion, or of the use thereof, my meaning was, that these effects doe not necessarily follow the nature, and definition of Excommunication, and that Excommunication ex se, of it selfe, or, which is all one, of it owne nature, or according to those properties, which doe necessarily follow the nature of Excommunication, and which are founded in those words of our Saviour, *If he shall not leave the Church, let him be to thee as the Heathen, and the Publicane*, that is, as Suarez expoundeth, *separated from the Church*, doth not worke the said civill effects. And therefore I did not impose vpon Suarez, and Becanus a false doctrine for true. For Becanus doth in expresse words affirme, that heretikes by that precisely that they are excommunicated, are not depr:vd of dominion, or Iurisdiction either over their subiects, or over their temporall goods, but that this deprivation is a distinct punishment, and imposed by a distinct law. And Suarez holding, as this Doctour confelleth him to hold, that Excommunication precisely, and per se doth not deprive a man of the dominion of temporall goods, of kingdomes, and Seignories, and teaching also, that the nature and definition of Excommunication is to separate one from the Ecclesiasticall communion of the faithfull must consequently according to his owne principles hold, and teach that Excommunication doth not per se, and of it owne nature deprive one of any civill communion, administration, or Iurisdiction, but only of Ecclesiasticall conversation, which is directly opposit to civill: neither can there be alledged any sufficient reason, why the Censure of Excommunication precisely and per se should deprive of civill Iurisdiction or administration, and not of temporall dominion.

134 But Suarez, saith this Doctour, doth in the very place cited by Widdrington, teach and proue against him, that by Excommunication doth cease all externall Iurisdiction, and all acts belonging therewnto in the persons excommunicated; and in subiects the obligation of fidelitie although it be confirmed by oath; and that also the dominion of all temporall goods may cease, if there be particular mention made thereof, as it is in the excommunication of heretikes, who are deprived of all goods, and of all dignity.

135 But Suarez doth not teach, or proue against me, neither can he, according to his owne grounds, affirme, as I shewed before, that any civill Iurisdiction, administration, act, obligation, or communion doth cease by Excommunication precisely, per se, and of it owne nature, or by any intrinsecall propertie following by any necessarie consequence the nature, and definition of Excommunication. For although Suarez,

Becanus,

1 *Vbi supra.*

Becan. de fide
heretic. servan-
da cap. 8. num.
16.

Beccanus, and many other Diuines, and Canonists doe teach, that now *de facto* since the time especially of *Pope Gregorie* the seuenth, some *Popes* haue annexed to *Excommunication* this ciuill effect, to wit, to deprive not only inferiour Magistrates, but also Soueraigne *Princes* of their ciuill dominion, and Iurisdiction, being perswaded, but without sufficient ground, as I haue shewed both in this Treatise and else where, that they had authoritie so to doe, yet they doe not teach contrarie to that, which I heere contend, to wit, that this effect doth *per se*, or by any necessarie consequence follow the nature and definition of *Excommunication*, which according to *Suarez*, and the truth it selfe, is an Ecclesiasticall Censure, by which one is separated from the Ecclesiasticall communion, or conuersation of the faithfull, and consequently not deprived of any ciuill Iurisdiction, administration, or conuersation, which is directly opposite to Ecclesiasticall, as I declared more amply in my Latin Appendix to *Suarez*,^m where I discoursed more at large of the effects of *Excommunication*, which it hath *per se*, and of it owne nature, and which it hath *per accedens*, by the positive lawes of the Church, which, for the better satisfaction of the English Reader, I think it not amisse to repeat here again.

136 And first I shewed in that place, that *Excommunication per se* of it owne nature, and according to the true definition thereof set downe also by *Suarez*, and grounded in those words of our Sauour, *If he shall not hear: the Church, let him be to thee as the Heathen and the Publicane*, hath only this effect to debarre the person excommunicated from the Ecclesiasticall communion of the faithfull, and consequently from no ciuill dominion, administration, iurisdiction or conuersation, which is directly opposite to Ecclesiasticall: And therefore that Maior, and Minor *Excommunication* are not *per se*, of their owne nature and according to their intrinsecall definition distinguished in this, that Minor *Excommunication* doth exclude only from Ecclesiasticall communion, and Maior both from Ecclesiasticall, and also ciuill communion: but it is therefore called Minor *Excommunication*, or a lesser *Excommunication*, for that it debarreth from a lesser Ecclesiasticall communion; to wit from Sacraments only, and it is called Maior *Excommunication*, or a greater *Excommunication*, for that it debarreth from a greater Ecclesiasticall communion, to wit, from Sacraments, Suffrages, and other Ecclesiasticall graces, benefits, and priueledges, whereof a man is partaker by being a Christian: For seeing that both *Excommunications* doe participate the nature and definition of Ecclesiasticall *Excommunication*, they ought, according to their nature, and definition, debarre the faithfull only from this or that Ecclesiasticall communion in particular (because euery species, or particular must be contained sub genere, or vnder the generall, as it is euident to euery Logician) and not from ciuill communion, which is directly and ex diametro opposite to Ecclesiasticall.

137 And this is signified sufficiently by the very name of *Excommunication*, as *Snarez* affirmeth: For a man is therefore called *excommunicated*, because he is *separated, or excluded from communion*. And it is grounded in the words of our Saviour *Matth. 18. But if he will not heare the Church, let him be to thee as the Heathen and the Publicane*, that is *separated from the Church*. Thus *Snarez*. "Neither is it forbidden by the law of *Christ*, that the faithfull shall not civilly conuerse with *Heathens*, publicanes, or notorious sinners, vnlesse some spirituall danger as of scandall, or of infection, which by the law of *Christ* and nature they are otherwise bound to eschew, shall arise from such ciuill conuersation, as also *Becanus* doth expressely affirme. ° See also *Abulenſis* q. 50. in cap. 9. *Matth.*

n *ſibi ſupra.*
 o *In opus. de*
ſide Hæreticis
ſeruanda. cap.
8. num. 3.

Greg. Tholoſ.
 in Syntagmat
 Iuris lib. 3 l.
 cap. 8. num. 3.
 p. Part. 2. cap.
 2. num. 7.

138 Moreover, this also is gathered from the very light of naturall reason: For as in the whole Christian world there be two only common wealths, kingdomes, or Societies distinguished by their proper acts, functions, and dignities, and not depending one on the other in those things, which are proper and peculiar to each one of them, to wit, the *spirituall* kingdome, or *Church of Christ*, by which *precisely* and *per se* we receiue only spirituall graces, and benefits, and *temporall* common wealths, Societies, and kingdomes, by which *precisely* we are made partaker only of temporall goods, and benefits: So also there be two only *communions*, the one in *spirituall*, the other in *temporall*, and *ciuill* affaires; and two only *Excommunications* in generall, as *Gregorius Tholoſanus*, and I also obserued aboue; p. the one *Ecclesiasticall*, which excludeth from *Ecclesiasticall* communion, as from Sacraments, Suffrages, or other sacred things, the other *ciuill*, which excludeth from *ciuill* communion, which punishments the *Ciuilt Lawyers* account imprisonments, confinings, relegations, deportations, and banishments, by which the person excommunicated is debarred from the *communion* of some certaine companie, towne, City, Countrey, or kingdome: and as *ciuill Excommunication* *precisely*, and of it owne nature doth not debarre a man from any *spirituall* good, grace, or communion, so neither *spirituall Excommunication* *precisely*, and of it owne nature doth debarre a man from any *temporall* good, benefit, or communion.

139 Neuerthelesse, albeit the *intrinsicall*, *per se*, and *necessary* effects of *Ecclesiasticall Excommunication* are only to debarre one from *Ecclesiasticall*, or *spirituall* communion, yet because our Saviour *Christ* hath giuen to the *spirituall Pastours* of the Church authoritie to impose, but not to *inſert* certaine temporall punishments vpon persons excommunicated, all those temporall punishments, which the *spirituall Pastours* of the Church, haue according to different times, and occasions adioined by way of commandement to the Censure of *Excommunication*, may be called *extrinsicall*, or *accidentall* effects of *Ecclesiasticall*

call

call *Excommunication*, or rather temporall effects and punishments annexed by way of command to *Excommunication*. But this withall ought greatly to be considered, as *Suarez* doth well obserue, that when *Excommunication* is said to exclude from Ecclesiasticall communion, it is necessarily to be understood of that communion, which dependeth vpon the power, and will of the Church, and ouer which she hath right, power, or authoritie. Whereupon those temporall punishments, which spirituall Pastours may annex to *Excommunication*, must be such as by the institution of *Christ* they haue authoritie to impose. And therefore if it be a controuersie among learned Catholikes, as in very deepe it is, whether spirituall Pastours haue authoritie to absolue subiects from the temporall allegiance, which they owe to their temporall Princes, and to deprive temporall Princes of their temporall dominion, administration, or Iurisdiction, these temporall punishments can neuer, so long as this controuersie remaineth vndecided, be truly said to be necessarie effects annexed to *Excommunication* by the spirituall Pastours of the Church.

*Suarez tom. 5.
disp. 8. sec. 1. in
fine et sec. 2. in
principio.*

140 Secondly, I shewed also in that place, that the spirituall Pastours of the Church haue authoritie in order to spirituall good to command, and impose certaine temporall punishments, and so also to annex them to Ecclesiasticall *Excommunication*. as not to eate, or drinke with excommunicated persons, or notorious malefactours, not to salute them, or to conuerse ciuilly with them, except in such cases, wherein they are bound by the law of God, or nature ciuilly to conuerse. And so the spirituall Pastours of the Church haue power to command vs in order to spirituall good to abstaine from certaine meates vpon certaine daies, to giue almes to the poore, not to conuerse ciuilly with excommunicated persons, or notorious sinners, if otherwise by the law of God, or nature we are not bound to conuerse ciuilly with them, and the aforesaid, and such like temporall things to annexe by way of commandement to *Excommunication*, whensoever they shall prudently iudge it to be necessarie to the saluation of soules. And this only is confirmed by the institution, and custome of the Church approued by perpetuall tradition, and grounded in the holy Scriptura. 1. Cor. 5. *With such a one not so much as to take meate*, and 2. Ioh. 1. *Nor say to him, God saue you.*

141 Neither is there any difficultie among Catholikes concerning the power of spirituall Pastours to command, and impose temporall things, when it shall be necessarie to the spirituall good of the Church, for that to command and impose a temporall thing in order to the spirituall good, is not a temporall, but a spirituall action, as I haue often said: But all the controuersie among Catholikes is concerning the coercive power of spirituall Pastours, and their authoritie to punish temporally by way of temporall constraint,

or.

or, which is all one, to inflict temporall punishments. For if, contrary to the commandement of our spirituall *Pastours*, we will neither fast, nor giue almes, nor abstaine from ciuill conuersation with excommunicated persons, the question is how farre then the Ecclesiasticall power can by the institution of *Christ* proceed against vs, by way of temporall constraint, to the inflicting of temporall punishments. For in this power to punish temporally, or to inflict temporall punishments, doth consist the whole controuersie betwixt me and my Aduersaries. For I contend, that the doctrine, which *Almaine* and very many Doctors, as he affirmeth, doe maintaine, is not repugnant to Catholick faith, or the approued grounds of true Diuinitie, to wit, that the spiritual power of the Church can not inflict any temporall punishment, as death, exile, priuation of goods &c. nay, nor so much as to imprison, but that her power doth onely extend to the inflicting of spirituall punishments, as Excommunication, or some such like spirituall Censure, and that all other temporall punishments, which she useth to inflict, doe proceed from the pure position, or, to use *Gerson's* words, from the graunt of Princes.

141 And therefore thirdly I shewed also in that place, that because Secular Princes haue granted many temporall priuiledges to the spirituall *Pastours* of the Church, as to imprison, to confine, to impole or inflict pecuniarie mulcts and such like, all those temporall punishments, which to inflict the spirituall *Pastours* of the Church haue receiued authoritie from the graunt and consent of temporall Princes, may by the *Pastours* of the Church be adioyned to Ecclesiasticall Excommunication, and in this sence be called accidentall effects of Excommunication, or rather punishments accidentally or per accidens annexed to the Censured Excommunication. And so the Pope, being now by the graunt and consent of Secular Princes, and Christian people, become also a temporall Prince, may annex to Excommunication all temporall punishments, which he, as a temporall Prince, hath power to inflict.

143 Whereupon albeit I doe vtterly deny, that Excommunication either of it owne nature, or by any necessary consequence deduced from thence, abstracting from the graunt and consent of temporall Princes, hath sufficient force to deprive one of any ciuill dominion, Iurisdiction, or conuersation, yet I doe willingly graunt, that an inferiour Magistrate, who by the sentence of a spirituall Iudge is declared to haue incurred the Censure of Excommunication, is by the expresse ciuill lawes of some kingdomes, and in some others by the tacite consent of the Prince deprived of ciuill Iurisdiction, and their acts reputed to be of no force in law; yea and that by the Imperiall law, & if for a whole yeere he remaine excommunicated, he is in the nature of a proclaimed outlaw, or Bandite. But to commaund subiects not to obey their lawfull and Soueraigne Prince in temporalls, and to absolue subiects from

that civill and naturall allegiance, which by the law of God, and nature they owe to their rightfull Prince (seeing that according to Suarez, *the power to command is in the Prince, and the bond of obedience in the subjects are correlatives, and one dependeth on the other, and that to deny obedience to a Prince, so long as he remaineth Prince, is plainly repugnant, saith Card. Bellarmine, to the law of God*) it is not in the power of spirituall Pastours, vnlesse they haue authoritie to depose Princes, and to make Kings no Kings, which whether it bee in their power to doe, or no, is the very question, about which I with all my Adversaries doe now contend, and concerning which the Schoolemen are now at variance, and as yet the controversie is not decided by the Iudge, saith John Trithemius.

¶ Abus. no. 128

144 To those Canons, *Nos sanctorum, Iuratos, & Absolutos*, which Suarez brought for his chiefe ground to prooue, that the abolishing of Subjects from the temporall allegiance, which by the law of God, and nature they owe to their Soueraigne Princes, is now a punishment annexed to the Censure of Excommunication, I haue heeretofore answered, and among other answeres this was one, that those Canons are not to bee vnderstood of Soueraigne Princes, but onely of inferiour persons, who indeede by the consent of their temporall Soueraignes doe loose their temporall Iurisdiction, after the sentence is publicly declared, yea and in the territories of the Empire, if for a yeere they persist excommunicated, are, as I saide, in the nature of persons prescribed out lawes, or Bandites.

¶ In Chron. Monast. Hispan. ad an. 1106.

145 This in effect, and much more to the same purpose did I answer heeretofore, by all which the force of my answer to Card. Bellarmine's argument, taken from the example of King Ozias, and the reason why I denyed his consequence, supposing for Disputation sake the antecedents to be true, as it is not, may euidently appeare. For in the old law the dwelling of lepers, after they were declared so to be by the Priest, in a house apart from the rest of the people, was expressly ordained by the law of God, and therefore supposing now with Card. Bellarmine, that the dwelling of a King being infected with leprosie in a house apart from the rest of the people should by any necessarie consequence inferre, that hee is consequently depriued of his kingdome, or the administration thereof, it is no meruaile, that the Priests of the old law had authoritie to depriue such Kings *per accidens* and consequently, that is, to declare them depriued by the law of God, of their kingdomes, or of the administration thereof. But in the new law neither the depriuation of a temporall kingdome, or of the administration thereof, nor the losse of any temporall Iurisdiction doth by the law of God, or by any other necessarie consequence follow spirituall leprosie, or any intrinsecall proprietie of Ecclesiasticall Excommunication,

munication, neither is it in the power of spirituall Pastours, as *Almus* said, to inflict any temporall punishment, as death, banishment, deprivation of goods, &c. nay nor so much as to imprison, as very many *Doctours*, saith hee, doe affirme, but onely to inflict spirituall Censures, or punishments: And therefore the similitude of *Cardinal Bellarmine* betwixt corporall and spirituall leprosie in the old and new law, is in this defectiue, and so the consequence of his argument is altogether insufficient. Thus much touching my first answere to the consequence of his argument.

2 pag. 552.

146 Marke now how sleightly this *Doctour* would shuffle out my second answere and reason, which did cleane ouertrow *Card. Bellarmine*'s consequence grounded vpon the nature of a figure, and the thing figured, even according to his owne grounds. For whereas I answered, as you haue seene, that because a figure, as *Card. Bellarmine* saith, is alwayes lesse perfect, and of an inferiour degree, then the thing which is figured, it doeth not follow, that heresie, which is figured by corporall leprosie, must bee punished with a temporall punishment, because corporall leprosie was punished therewith, but with a punishment of a higher degree, to wit, with a spirituall punishment, *D. Schuchkin* replieth thus: I answere, saith hee, *As heresie, which is a spirituall leprosie, is farre more pernicious, then corporall leprosie, so Excommunication is a punishment of a higher degree, then the separating of lepers. For Excommunication doth not onely deprive of the companie, and living together with men in one house, but also of participation of Sacraments, and Suffrage of the Church. But that Excommunication besides doeth deprive of civil administration, and sometimes hath annexed the deprivation of temporall goods, and also of the kingdome it selfe, doth not diminish, but increase the greatness and excellencie of the punishment of spirituall leprosie above the punishment of corporall leprosie. Wherefore it is most true, that the thing figured is of an higher degree then the figure. And in this manner the Eucharist is of an higher degree then manna, or the Paschall lambe, because the Eucharist nourisheth the soule, although also those accidents of the Eucharist are profitable to the nourishment of the body.*

147 But obserue the egregious fraude of this *Doctour*. For his proposition of *Card. Bellarmine*, *Figures must of necessitie be of an inferiour order and excellencie, then the things figured*, is to be vnderstood of figures formally, as they are figures, for it little importeth, that the things, that are figures, be materially of an equall, or not inferiour order and excellency, then the things figured, so that formally as they are figures, or in that they are figures, they are lesse perfect, and excellent, then are the things figured. Now this *Doctour* doth craftily take here figures, and the things figured not formally, and according to that wherein they are figures, but materially: for otherwise, as you shall see

he saith nothing to the purpose, and to the confuting of my answer. For neither *Manna*, nor the *Paschall lambe* are figures of the *Eucharist*, as the accidents of the *Eucharist* doe concur to the nourishing of the body, but onely as they are profitable to the nourishing of the soule: Neither was corporall leprosie, or the separation of lepers from ciuill conuersation a figure of spirituall leprosie, and of Ecclesiasticall separation, or Excommunication, as corporall leprosie doth infect the body, and Excommunication doth separate from ciuill conuersation, but onely as spirituall leprosie doeth infect the soule, and Ecclesiasticall Excommunication doth separate from Ecclesiasticall, or Spirituall communion: for that a figure must in all those things, wherein it is a figure, be more noble, and excellent, then is the thing which is figured. And therefore as *Cardinall Bellarmine* very well obserueth, *¶ to fulfill a figure is not to doe that very thing, which the law prescribeth to bee done, but to put in place thereof something more excellent, which to signifie that figure did see before, as Christ did not fulfill the figure of Circumcision, when he himselfe was circumcised, but when hee ordained Baptisme in the place thereof.* Thus *Card. Bellarmine*. q Lib. 1. d. distap. 7.

148 From whence it evidently followeth, that the separation of corporall lepers in the old law from ciuill conuersation could not bee a figure of the separation of spirituall lepers, also from ciuill conuersation: for that ciuill conuersation is one, and the selfe samethings, and not another thing more excellent, which according to *Cardinall Bellarmine*'s doctrine must succede in place of the figure, but the fulfilling of this figure must bee the separating of spirituall lepers from spirituall, or Ecclesiasticall conuersation. And therefore although Ecclesiasticall Excommunication hath by the lawes of the Church annexed vnto it, in that manner, as I haue before declared, the excluding by way of commandement from ciuill conuersation, if otherwise by the law of God, and nature, we are not bound ciuilly to conuerse, yea and also according to *Cardinall Bellarmine* the depriving of temporall kingdomes, or at leastwise of the administration thereof, yet the separating of lepers in the old law from ciuill conuersation, or the depriving them of temporall kingdomes, or administration could not, according to *Cardinall Bellarmine*'s grounds, bee a figure of Ecclesiasticall Excommunication in the new law, as Excommunication is pretended to worke the same effects, but onely as it worketh more excellent effects, to wit, the separating of the faithfull from spirituall conuersation, and excluding them from the kingdome of heauen.

149 Wherefore, if wee doe respect onely the nature and proper tie of a figure, it is evident that *Cardinall Bellarmine* according to his owne principles hath not any way prooued, that because corporall

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leprosie

leprosie and the punishments annexed thereunto in the old law, to wit, the depriving of temporall kingdomes, Iurisdiction, or administration, as Cardinall Bellarmine contendeth, was a figure of spirituall leprosie, and of the punishments annexed thereunto in the new law, therefore the same punishments, to wit, the depriving of temporall dominion, Iurisdiction, or administration were figured by them, and consequently may now by vertue of the figure bee ordained against spirituall lepers: for this were not according to Cardinall Bellarmine's doctrine, to fulfill the figure, and to put in place thereof something more excellent, but to put that very same thing, which the law in that figure prescribed to be done. And therefore Cardinall Bellarmine must bring better arguments, vnlesse he will quite discredit himselfe and his cause, drawne from other heads, then from the figure of leprosie, and of separating lepers from ciuill conuersation, which, according to his owne principles, doth, as you haue seene, make cleere against him, to prooue that spirituall Pastours either by vertue of Excommunication, or in any other manner, haue authoritie to depriue temporall Princes of their kingdomes and dominions, or of any temporall administration or Iurisdiction.

150 Lastly, whereas in the end of this my answer I affirmed, as you haue seene, that Cardinall Bellarmine did not truly, and entirely set downe the words of the Apostle 1. Cor. 10. *And all these things chanced to them in figure*, for that hee left out that word [*these*] which is a relatiue, and hath relation onely to those things whereof the Apostle spake before, among which corporall leprosie is none, and hee affirmeth him to say, *And all things chanced to the Iewes in figure*, this Doctour maketh much adoe, and laboureth in vaine to excuse Card. Bellarmine: And first hee answereth, " that Cardinall Bellarmine did not produce the words, but the sense of St. Paul, but it is certaine that the Apostle did not intend to say, that those things onely which hee mentioed in that Chapter did chance to the Iewes in figure, but those, and other like to them.

151 But first this answer is not agreeable to Card. Bellarmine's owne words: *The Apostle saith 1. Cor. 10. (saith Cardinall Bellarmine) that all things did chance to the Iewes in figure, and what I pray you is to say, that the Apostle saith so*, then to produce the Apostles words: Secondly, although it bee certaine that the Apostle did not intend to say, that those things onely, which hee mentioed in that chapter did chance to the Iewes in figure, yet it is certaine, that the Apostle in that chapter did onely say, that all these things, and not all things absolutely, as Cardinall Bellarmine affirmeth him to say, *did chance to the Iewes in figure*. Thirdly, albeit St. Paul knew right well that not onely all those things there mentioed, but many other such like did chaunce to the Iewes

Iewes in figure, yet it was sufficient for his purpose in that place onely to affirme, that all those things there mentioned, and not that all things absolutely did chance to the Iewes in figure: neither was it necessarie, that the *Apostle* should in that chapter say all hee knew, it was sufficient for him to say in that chapter, onely that which did suffice for his present purpose. Wherefore this *Doctour* must distinguish betwixt knowledge, which is in the vnderstanding, and meaning which is in the will, and so hee may see, that the *Apostle* knew right well, that not onely those things there mentioned, but those and other such like did chance to the Iewes in figure, and yet onely meant to say, in that place, that all those things there mentioned, and not all those, and other such like did chance to the Iewes in figure. Neither did St. *Paul* meane otherwise then the words, which he spake, did signifie, but it is manifest, that those words of the *Apostle*, *And all these things chanced to them in figure*, doe not signifie the same that these words doe, *And all things chanced to them in figure*.

152 His second answer is, that the ancient Fathers, and especially S. Chrysostome lib. 3. de Sacerdotio doe teach, that the iudgement of the Priests in the old law concerning corporall leprosie was a figure of the iudgement of the Priests in the new Testament concerning sinnes. But no man denyeth this; for I make no doubt, but that corporall leprosie and the iudgement thereof in the old law, was a figure of spirituall leprosie and of the iudgement belonging thereunto in the new law. That which I contend is, that Cardinall Bellarmine did not truly, entirely, and faithfully set downe those wordes of Saint *Paul* 1. Corinth. 10. *And all these things chanced to them in figure*, for that hee left out that word [*these*] and that the *Apostle* did not say in that place, that corporall leprosie, and the iudgement thereof in the old law was a figure of spirituall leprosie, and of the iudgement belonging thereunto in the new Testament: and of this there needeth no other prooffe, then to peruse the words, and text of the *Apostle* in that Chapter.

153 Thirdly, this *Doctour* answereth, that S. Thomas, * and S. Aug. y in many places doe cite those words of S. *Paul* in that manner, as Card. Bell. doth: & therefore C. Bell. cannot bee reprehended for citing the wordes of the *Apostle* not entirely, and sincerely, vnlesse they also with him bee reprehended. But first, this is not to take away the aforesaid imputation from Card. Bellarmine, but to lay it vpon others. Secondly, it is not true, that St. *Augustine* citeth those wordes in that manner, as Cardinall Bellarmine doeth, but hee expressly setteth downe in all the later places [*All these things*:] as it is in Saint *Paul*. Onely in that booke *Viginti, & vnus sententiarum* he citeth indeede those wordes of the *Apostle* as Cardinall Bellarmine doth, leauing out that word [*these*] yet D. *Schulckenius* being so well acquainted with Cardinall Bellarmine, and his doctrine

* Prima secundæ
de 9. 104. ar. 1.
y In lib. viginti
& vnus sen-
tentiarum. l. 16. contra
Faustum cap.
28. & l. 18. c. 6.
& l. 22. c. 24.

2 De Scripto-
ribus Eccle-
siasticis anno
400. ad 500. in
obseruat. ad
rom 4. S. Augu-
stini pag. 187.

could hardly forget, that Card. Bellarmine himselfe expressly denyeth
that booke *viginti & unus sententiarum* to be S. Augustinus worke, or
to haue in it any graue thing, or worthy S. Augustine.

154 Neuerthelesse I doe not deny, but that S. Anfin, S. Thomas,
or any other might by an other consequence gather from that saying
of S. Paul, that all things for the greater part did chauce to the Iewes in
figure. For although S. Paul doth onely say, *That all these things did
chance to the Iewe: in figure.* yet seeing that there is no more reason, why
those things mentioned there, and not also many other things not
mentioned in that place, as the *Sabboth, Circumcision &c.* which are na-
med by S. Augustine, should chauce to the Iewes in figure, we may
from those words of S. Paul rightly inferre by an other consequence,
that all things for the greatest part did chauce to the Iewes in figure.
But, as I said, that onely which I contend, is, that Card. Bellarmine did
not truly, entirely and faithfully relate those words of S. Paul, neither
hath this Doctor, as you haue seene, brought any colourable argu-
ment to confute the same.

155 Thus thou seest, good Reader, that Card. Bellarmine's argu-
ment taken from the example of King Ozias is most weeke and insuf-
ficient, and my answer thereunto to be sound, and irreproueable,
and D. Schulckenius Reply to be very fraudulent, and in all points to be
shaken and quite ouerthrowne, and to haue wrapped in sentences with
vnskillfull and ambiguous words. Now you shall see, how weakely
and nakedly, my vnlearned Aduersarie Mr. Fitzkerbert, notwithstan-
ding he had seene my aforesaid answer to this example, vrgeth againe
the same. But he bringeth nothing in confirmation thereof, but what
I answered before in my Apologie, except the authoritie of S. Chryso-
stome, whose words and meaning neuerthelesse he doth most fowly
corrupt, and to which also in my English Theologicall Disputation,
which was published long before his Treatise against me came forth,
I did most cleerely answer.

156 Ozias was so fawre, saith Mr. Fitzkerbert, from being supreme
head over Priests in spirituall matters, that he was subiect to them therein,
and bound to obey them no lesse then was the meanest subiect he had. This
is manifest by the plaine words of the Scripture in this place, where the high
Priest hauing rebuked Ozias for his presumption, did not onely command
him to depart, saying, *Egrede de Sanctuario &c.* Goe out of the San-
ctuarie &c. but also thrust him out of the same, as soone as the leprosie was
discovered in his forehead; *Festinato, saith the Scripture, expulerunt
eum.* They thrust him out in all haste: besides that it is manifest in the
same place, that God punished him as well for his disobedience in resisting,
and threatening the Priests, as for presuming to Sacrifice; and therefore
though he had the Censer in his hand so burne the incense, yet he was not stru-
ken

a in the Ad-
monition. nu.
23. & seq.
b Cap. 5. nu 19.
pag. 79. &
Suppl. pag. 19.

a Paralip. 26.

ken with leprosie vntill he had threatned the Priests; Minabatur Sacerdotibus, sayth the Scripture, statimque orta est lepra in fronte eius &c. He threatned the Priests, and forthwith there arose a leprosie in his forehead: wherein was fulfilled the menacing admonition that God gave to the people in the 24. of Deuteronomie, as I haue declared before, when he commanded them exactly to obey the Priests of the Leviticall stocke, bidding them remember how Mary was punished with leprosie for murmuring against Moyses. Moreover whereas there was a generall law given to the people in Leviticus, whereby all men without exception were bound in case of leprosie, to undergoe and obey the iudgement of the Priests, and at their arbitrement to be separated from the company and conuersion of other men, it is manifest by this example, that the Kings were no lesse subiect to this law, and bound to obey the Priests, then every other man; in which respect Ozias was forced by the sentence of the Priests (according to the prescript of the law) to live in a house apart so long as he lived. And I can not omit &c. Thus Mr. Fitzherbert.

157 But what is all this to the purpose, or how from hence doth it follow, that the Priests of the old law had authoritie to depose temporall Princes, and had a Soueraigntie ouer them not onely in spirituall, but also in temporall causes, as this man pretendeth. For all that Mr. Fitzherbert here hath said, is briefly this? First, that the Kings in the olde law were in spirituall matters subiect to the Priest, and bound to obey them in spirituals; and that the Priests might rebuke Kings, and command them to depart out of the temple, if contrarie to the law they should presume to offer Sacrifice: and that it belonged to the Priests to declare the law of God, and to iudge according to the signes and tokens prescribed by the law, whether one were infected with leprosie or no, and if he were infected, to declare or iudge him to be separated from the rest of the people according as the law of God ordained: All which were spirituall actions, and therefore not exceeding the limites of Priestly function:

158 But secondly hee seemeth to make some force in those words of the Scripture, *And they thrust him out in all haste &c.* as though he would signifie thereby, that they thrust him out by head, and shoulders, as the proverbe is, or by laying violent hands vpon his sacred person, which can not sufficiently be prooued to be so, but onely that they thrust him out, not by violence, for he himselfe made haste to goe out, but onely by their commandment or admonition, and by denouncing Gods wrath against him, and by crying out against him, and perchance with clapping of hands. as against an vnclane and polluted person, who by the law of God was forbidden to enter, or remaine in the Sanctuary; in that manner as before they did endeavour to resist and hinder him from burning of incense, not by force of armes and violently

2. Paralip. 26. taking the Censur out of his hands, but by their words and admonition, commanding him to goe out of the Sanctuaries, and not to contemne the law of God. And they resisted the King, saith the Scripture, and said, It is not thy office Ozias, to burne incense to our Lord, but to the Priests; goe out of the Sanctuaries, contemne not, because this thing will not be reputed to thee for glory by our Lord. But Ozias contemned their words, and being angry, and holding in his hands the Censur to burne incense, he threatened the Priests. And forthwith there arose a leprosie in his forehead before the Priests in the house of our Lord before the altar of incense. And when Azarias the high Priest had beheld him, and all the rest of the Priests, they saw the leprosie in his forehead, and in haste they thrust him out, to wit, by their admonitions, outcries and exclamations, whose words and admonitions he himselfe, being now sore afraid, did willingly obey. Tea and himselfe being sore afraid, saith the Scripture, made haste to goe out, because he felt forthwith the plague of our Lord.

Iosephus, lib. 9.
Antiquis. cap.
11.
C. m. 106.

Chrysostom.
hom. 4. de ver-
bis Isaia, vidi
Dominum.
*Nemine pro-
pulsante.

159 And that onely by their words and admonitions, and not by force and violence they thrust him out, Iosephus in the words cited aboue doth plainly signifie; The Priests, sayth he, after they perceived the leprosie in the Kings face &c. they admonished him, that as a polluted, and unclean person he would goe out of the Citie; And he with the shame of his calamitie obeyed &c. or, as the Scripture saith, he being sore afraid made haste to goe out. And what need had they to thrust him out by force and violence, when he himselfe made haste to goe out? The same also S. Chrysostome in the place here cited by M^r. Fitzherbert, doth most cleerly signifie in these words: *Et egressus est Rex &c.* And the King went forth being made an example to all, and the temple was purged, and he was cast forth no man thrusting him forth,* and where as he would arrogate to himselfe the Priesthood, he lost that which he had (to wit, his corporall health and libertie to come and remaine in the Temple and Citie) and he departed out of it a temple.

160 And thereason why the Priests ought not to lay violent hands on the Kings person, and to compell him by force of armes, S. Chrysostome did giue a little before in these words: But King Ozias did not obey his admonisher, but puffed up with arrogancie he opened the temple, and entered into the Sanctuaries with intention to offer incense. But what did God? After the Priest was contemned, and the Priestly dignitie troden under foot (marke the words following) *ne quisquam præterea potius Sacerdos*, (Nam Sacerdotis tantum est arguere &c. Neither could the Priest doe any thing more, For it is the office of a Priest onely to reprove, and to giue a free admonition, not to raise armes, not to use targets, not to shake a lance, not to shoote arrows, not to cast darts, but onely to reprove and to giue a free admonition) After therefore the Priest had reproved, and yet the King did not yeeld, but tooke weapons, shields, and speares; and used his power.

power, when the Priests said to God, *I haue done that which belonged to my office, I can doe no more, helpe thou the Priesthood, which is troden vnder foote, &c.* Thus S. Chrysostome. And a little aboue, *The King, saith he, doth compell, or force, the Priest exhort, the King by necessity, the Priest by counsell, the King hath sensible armour, the Priest spirituall, the King maketh warre against Barbarians, the Priest against Demills.* So you see that according to S. Chrysostome it belongeth not to the Priest to vse sensible weapons, and to force by corporall violence, but by counsell, admonition, or commandement.

161 *Thirdly*, although a leper was by the law of God bound to liue apart out of the Campe, or City from the rest of the people, yet as I obserued in my said *Theologicall Disputation*,^d it cannot bee sufficiently prooued, that it belonged to the Priests of the old law to thrust lepers by force and violence out of the Campe or City, but onely by iudging them to be lepers, and by declaring that by the law of God they were to bee separated, seeing that the Kings, and not the Priests were the executours of the law against offendours, and by force and corporall violence to punish them, who did not obserue the law, as I declared aboue^e out of *Abulensis*. But that the Priests after they had declared one to be infected with leprosie, and had charged him to depart, and commanded them who were to execute the law to performe their dutie and what the law did prescribe, had any farther authority (as they were Priests) to thrust him out by violence, it cannot be prooued out of the old law. Euen as now in the new law it belongeth to spirituall Pastours, to declare whether one bee infected with spirituall leprosie, but after they haue declared one to be infected with heresie, and haue excluded him from the Ecclesiasticall conuersation of the faithfull, leauing him now to the Secular Court, they haue no further power by the law of Christ (as they are spirituall Pastours) to vse any corporall violence against him, and if it shall please the temporall Prince to pardon his life, the spirituall Pastours haue no authority to take it away, as out of *Dominicus Bannes* I shewed in that *Disputation*.^f

^d In Admonk. nu. 28.

^e Nu. 30.

^f Cap. 7. Sec. 2. in fine.

162 But what if I should grant to M^r. Fitzherbert, that the Priests of the old law might lawfully thrust by violence an vnclane person out of the Temple, if he will not otherwise depart, or that they might lawfully haue taken by force the Censur out of the Kings hands, or haue held his hands, that he should not haue offered incense, as also that in the new law it is lawfull for Priests to thrust an excommunicated person out of the Church in the time of Diuine seruice, or if in case a King would in his rage and furie runne his sword through the body of any innocent man, should graunt that his Chaplaine, or any other of his subiects attending vpon his Royall person, may lawfully hold his hands, and so keepe him from committing so wilfull a murder,

ther, could Mr. Fitzherbert, throw you, gather from hence, that either Priests or subjects had any authority or superiority over the Kings person to hold his hands, or to force him by corporall violence? No. But from hence it onely can be gathered, that euery priuate man may, and ought by the law of God and nature, and by the bond of charity, to keepe as much as lyeth in him his neighbour from doing euill, which argueth no authority or superiority, but onely a bond of charity.

163 Now you shall see in what fraudulent manner Mr. Fitzherbert vrgeth the authoritie of S. Chrysostome: And I cannot omit also, saith hee, & to touch heere by the way, what S. Chrysostome obserueth further in this example, to wit, that whereas Ozias being leproous did not onely dwell in the City (though in a house apart) but also raigne still for some yeeres: untill he died, he ought to be cast both out of the City, and also out of the kingdom; and that almighty God was so highly offended because the same was not performed, that he withdrew the spirit of Prophecie from Esay and other Prophets, during the life and raigne of Ozias.

Hom. 4. de
verbis Isai.
vidi Dominum.

164 Exiuit, saith S. Chrysostome, cum lepra, &c. The King went out of the Temple with a leprosie, and yet they did not cast him out of the City for the respect they bare to the Kingly diademe, but hee still sate in his throne breaking againe the law of God. What then? God being angry with the Iewes interrupted the Prophecy. So he. And againe a little after, speaking in the person of God, Ego, saith he, quod mei munus feci, &c. I haue done my part (that is to say, I haue stricken Ozias with leprosie) and you are afraide to cast him being vnclene out of the City. You beare reuerence to his Kingly dignity, violating the law of God, &c. I doe therefore speake no longer to the Prophets, neither doe I giue any more the grace of the spirit, &c. Silet spiritus gratia, & non est ostensus Deus, eo quod sub impuro illo non erat gratia; The grace of propheticall spirit was silent, or ceased, and God did not shew himselfe, because that vnder that vnclene man there was grace. Thus saith S. Chrysostome upon occasion of these words of the Prophet Esay, Et factum est anno quo mortuus est Ozias Rex, vidi Dominum, &c. For whereas all the Prophets vsed to declare the time, and yeere of the Kings reigne when they prophesied, S. Chrysostome noteth, that Esay here omitted that custome, and did not speake of the life, and reigne Ioathan, in whose time he had his vision, but of the death of King Ozias, during whose reigne the spirit of prophecy had ceased for the causes before declared.

165 Well then heereby is appeareth, that God was offended, not onely because Ozias was not cast out of the City, but because hee was suffered still to reigne, Confedit in throno, saith the holy Father, legem Dei rursus transgrediens; Hee sate still in his throne transgressing againe the law of God, that is to say, as he had broken the law of God before in presuming

to Sacrifice, and threatening the Priests: so also did he againe transgress, and violate the same, in retaining his kingdom; Being leprous: and because the same was permitted, and more respect borne to his Kingly dignitie, then to the execution of Gods law, therefore saith S. Chrysostome, God punished the whole state; not permitting his Prophets to prophesy, as they were wont.

166 Whereupon I inferre, that seeing the expresse law of God ordained, that the cause of leprosie should be iudged and determined wholly by the Priests, and that Ozias was subiect to this law, it followeth, that as hee was expelled out of the Temple by the Priests, and forced by their sentence to lye in a house apart (though within the City) so ought hee also to haue bene, by their sentence, cast out both of the City, and his Kingdom. And if wee consider, but onely that, which was done by the Priests in this case of Ozias, it cannot be denied, but that they had a iudiciall power over his person, seeing that they both commanded him, to goe out of the Temple before he was leprous; and afterwards thrust him out, yea and confined him to lye in a house apart: for though the Scripture doth not expresse that this confining, and separation was ordained by them; yet it can't be otherwise, seeing that the law had ordained expresse, that euery leprous man should be brought vnto the Priest, and that *Ad arbitrium eius separabitur*, He shall be separated by his iudgement, or arbitrement, which our Saviour himselfe acknowledged, when hee remitted the leprous (whom hee cured) to the Priests.

Leuit. 13.
Matth. 18.
Marke 1.
Luke 17.

167 Therefore I will conclude vpon the premisses, that forasmuch the law of God assigned a soueraintie in iudgement to the high Priests, and their consistorie, as well in temporall, as spirituall causes, and to that end honoured them with a particular, and most excellent priuiledge of infallibility in their doctrine, and iudiciall sentences (as I haue ^hamply prooued) and seeing that the Kings of the old Testament were not any way exempt from the law (as appeareth no lesse by diuers reasons alledged by me before, ⁱ then by these two last examples of Athalia, ^k and Ozias ^l) it followeth evidently, that they were not supreme heads of the Priests, but subiect to them, and to their tribunall; and consequently, that if an Oath had bene proposed by any of these Kings to his subiects, whereby they should haue sworne, that he was free from all subiection, and temporall chastisement of the high Priest, this oath must needs haue bene repugnant to the law of God in the old Testament. This farre I haue thought good to lay downe the words of my Supplement touching the law of God in the old Testament, &c.

^h See before
nu. 10. 11. 12.
13. &c.
ⁱ Num. 24. 25.
& 26.
^k Num. 29.
& 30.
^l Num. 31. 32.
33. & 39.

168 To this authoritie of S. Chrysostome, I did answere in my English Disputation of the oath long before Mr. Foxherberts Reply came forth: And all the force of his argument taken from this authoritie seemeth to consist in those wordes of S. Chrysostome, *Consedis in throno legem. Quia si tu transgredieris, He sae in his throno transgredies* againe

the

the law of God. From whence this man inferreth, that God was offended, not only because Ozias was not cast out of the City, but also because he was suffered still to reigne: whereas this only can be gathered from those words, and these other, *and you are afraid to cast him being unclean out of the City, you beare reverence to his Kingly dignitie violating the law of God &c.* I doe therefore speake no longer to the Prophets &c. That God was offended; and spake no longer to the Prophets, for that Ozias being a leper, and unclean was not cast out of the City, as it was ordained by the law, which also S. Chrysostome in the next homily doth more plainly declare.

169 *Ego vero*, saith this holy Father, *scilicet quiddam adhuc addidero &c.* But if I shall adde yet one other thing, I will make an end of my speech. And what is this? That which not long agoe from the beginning we did demand. What is the cause that seeing in externall things, and in prophecies all are wont to set downe the time, wherein the Kings did live, this Prophet Esay omitting that, expresseth the time wherein King Ozias dyed, speaking in this manner: And it came to passe in the yeere, wherein King Ozias dyed. And yet he might haue expressed the time of the King then reigning, as all Prophets vsually did. But he did not so. For what cause did he not so? It was an ancient custome to expell a leprous out of the City, both in the end that those who liued in the City, might be in better health, and the leprous should not giue to men, prone to vse reproachfull words, an occasion of scoffing and derision, but that he abiding out of the City, might haue solitarines in steede of a vaile, or coner against reprochfull calamities. And thus ought this King to haue suffered after his leprosie, but he did not suffer it, those that were in the City reuerencing him for his Soueraignitie, but he remained at his house secretly. This (to wit, that he remained at his house secretly, and went not forth of the City) prouoked GOD to wrath, this hindered the propheticie &c. Thus saith S. Chrysostome: whereby it is manifest, that S. Chrysostome doth not affirme, that God was offended, because Ozias was not thrust out of his kingdom, or deprived of his right to reigne, but because he liued secretly at his house in the City, and did not depart out of the City, according as the law in *Leuiticum* did ordaine.

170 Wherefore the meaning of those words of S. Chrysostome, *He sate in his throne breaking againe the law of God*, is made more plainely these later words, which I did now relate. For as before he being no Priest transgressed the law of God by presuming to offer Sacrifice upon the Altar of incense contrary to the law, so now againe he being for his former offence stricken by GOD with leprosie transgressed the law by presuming to remaine in the City, which the law did forbid. Also Mr. Fitzherbert may perchance vse some cunning in translating those words of S. Chrysostome, *Sedebat in throno &c.* He saith still in his throne

thronebreaking againe the law of God, as though Ozias had offended againe by remaining still in his throne, or, which I take for all one, by continuing still to reigne, and by keeping still his Royall dignitie, and authoritie, or right to reigne, and not resigning it ouer wholly and fully to his sonne Ioathan. Wherefore taking those words, *He sate still in his throne, in this sense*, that word [*still*] may be equiuocall, and of purpose thrust in by Mr. Fitzherbert to signifie, that he offended for keeping still his Royall authoritie, and right to reigne, whereas the words of S. Chrysostome only are, *that he sate in his throne, breaking againe the law of God*, not for that he brake againe the law of God, because he sate in his throne, or, which I take for all one, kept still his Royall authoritie, and right to reigne, although his sonne Ioathan did gouerne the kingdome in his name and by his authoritie, and as his Deputie, Lieutenant, or Vice-Roy, but for that he departed not out of the City, as S. Chrysostome himselfe expressly declareth. But if Mr. Fitzherbert will haue S. Chrysostome to take that word [*throne*] for the materiall Royall seate, or chaire of estate, which remained in the City, for so also the Latin word may be Engliſhed, then this sense is in effect all one with the first, which I contended to be Chrysostomes meaning, to wit, that Ozias transgressed the law againe for remaining in the City: for leprosie did not debarre him by the law from sitting in a chaire of estate out of the City, or from any iote of his Kingly right, power, or authoritie, as I shewed before.

171 But lastly it is worth the noting to obserue, how well, for-
 foot, Mr. Fitzherbert agreeth with Card. Bellarmine in vrging this ex-
 ample of King Ozias. For Card. Bellarmine contendeth, that Ozias was
 thrust out both of the City, and also of his kingdome; but this man
 laboureth to proue, that according to S. Chrysostome, hee was neither
 cast out of his kingdome, nor out of the City. Others with Iosephus af-
 firme, that he liued in deede out of the City, but withall that he still
 reigned, or remained King, although Ioathan in his name and authori-
 tie, or as his Deputie, Lieutenant, or Vice-Roy administred the king-
 dome. Neuerthelesse Abulensis, although he greatly commendeth Iose-
 phus, as a most skilfull Historiographer of the Iewes, of whom also hee
 writeth, *what is it likely he knew all the particular facts of those Kings*, yet
 he leaueth the opinion of Iosephus in this point: Sometimes, saith Abulen-
 sis, *the plague of leprosie was perpetuall, and then the leper remained untill*
his death out of the Camps separated from the rest, and this was, vntill he per-
chance he was a man of great excellencie, as the King, who if he fell into le-
prosie, did not goe out of the campe, but remained therein, but he was in a cer-
taine separate house, as we reade 4 Reg. 15. Of King Ozias, who there is
called Azarias; for he fell into leprosie being stricken by GOD in the forehead;
because he would burne incense to our Lord in Priests, whereas it is said, And
our Lord stroke the King, and he was a leper untill the day of his death, and he
dwelt

Abulens. g. 29.
 in cap. 25.
 Exodi,
 in Q. 9 in cap.
 15. lib. 4. Reg.
 in Q. 10. in cap.
 13. I. leuit.

dwelt in a free house apart, but Iothan the Kings sonne governed the Palace and iudged the people of the land. But from henceit cannot be conuincd, that this freehouse a part was in the City, but rather apart out of the City, and therefore the opinion of Iosephus seemeth to be more agreeable to the words of holy Scripture Num. 5. And our Lord spake to Moyses saying, Command the children of Israel, that they cast out of the campe every leper.

172 Therefore, I will conclude vpon the premiffes, cleane contrarie to Mr. Fitzherberts inference, that for as much as the law of God assigned no Soveraigntie in iudgement to the *High Priests*, and their consistorie in temporall causes, but only in meere spirituall; as was to declare the law of God, and to iudge one to be infected, or not infected with leprosie according to the signes and tokens prescribed by the law, and to declare them that were infected, to be separated and cast out of the campe according to the Prescript of the law, which is the plaine meaning of those words, [*Et ad arbitrium illius separabitur, and he shall be separated at his arbitrement, or iudgement*] that is, if the Priest doe declare or iudge him a leper, he shall be separated, and cast out of the campe, and seeing that the executing of the law concerning temporall punishments, and the separating of lepers by force and temporall constraint, did not belong to the *Priests*, but to the supreme temporall authoritie, which did reside in the *Kings*, and not in the *Priests* who were subiect to the *Kings* in temporalls, and might be punished by them with temporall punishments, as I have amply proved in these two Sections, and the aforesaid words Num. 5. *Command the children of Israel,* [he doth not say, command the *Priests*, although then the Israelites had no King, neither did the supreme temporall authoritie reside in the *Priests* but rather in the people] *that they cast out of the Campe every leper*: it followeth evidently, that the *Priests* were not the supreme heads of the *Kings* in temporalls, nor Kings therein subiect to them, and their tribunall, nor to be punished by them with temporall punishments, but contrariwise; and consequently that if an Oath had beene proposed by any of these *Kings* to his subiects, whereby they should haue sworne, that hee was free from all subiection in temporalls, and from all temporall chastisement of the *high Priest* by way of temporall constraint [I say by way of temporall constraint, and putting in execution the law of God wherein temporall punishments were ordained, and not by way only of declaring the law of God, which, as I have sufficiently proved, was a spirituall, and not a temporall action] the said Oath must needs haue beene conforme, and not repugnant to the law of God in the *old Testament*. And thus much concerning the arguments taken from the *old Testament*.

S E C T. III.

wherein all Mr. Fitzherberts arguments taken from the new Testament are examined: and first his comparison betweene the old Law, and the new, the figure and the veritie is proved to make against himselfe: 2. Those words of our Saviour wharloeuer thou shalt loose &c. And feed my sheepe are declared, and the arguments drawne from thence, and from the nature of a well instituted common-wealth are satisfied, and D. Schulckenius Reply proved to be fraudulent, and insufficient. 3. the authoritie of the Apostle 1. Cor. 10. affirming that he and the rest were ready to reuenge all disobedience, is answered, Mr. Fitzherberts fraude in alledging the authoritie of S. Austin is plainly discovered, and the conclusion of his Chapter shewed to be both false and fraudulent.

NOW from the old Testament Mr. Fitzherbert descendeth to the new, and vpon a false supposall as I haue already conuinc'd, to wit, that he hath effectually proued, that the Priesthood of the old Testament had a supreme and soueraigne authority to create, punish, and dispose Kings, he labourerth in vaine, from the number 25 to 32. to proue, that the like authoritie must needs be acknowledged in the Priesthood of the new Law, not for that he thinketh, that we are now bound to retain the ceremoniall or iudiciall part thereof, but to deduce, as he saith, ^a a potent argument from thence, as from the figure to the veritie, to ^a Rom. 25. proue that the like authoritie must needs be acknowledged in the Priesthood, ^b pag 83. and especially in the chiefe Priest in the Law of Christ. And for prooffe heereof he setteth downe two positions, as the only grounds of this his poore argument.

^a The first is, that the old Law, and Testament being but a figure, and a shadow of the new, was no lesse inferiour thereto in authoritie, dignitie, and perfection, then Moses to Christ, the dead, and killing letter to the quickning spirit, or the Priesthood of Aaron to the Priesthood of Melchisedech, which was Christs Priesthood, he should rather haue said, which preferred the excellencie of Christs Priesthood. ^c This position, to wit, that the old Testament was a figure and shadow, and not inferiour to the new, he proueth by the authoritie of S. Augustine, ^d who affirmeth that *vetus Testamentum promissiones habet terrenas &c.* The old Testament hath earthly promises, an earthly Palestine, an earthly Hierusalem, an earthly salvation, to wit, conquest of enemies, abundance of children, fertilitye of soyle, and plentie of offsprings, all those things are earthly promises, and it is to be vnderstood

^b Rom. 26. pag 84.

^c Hier. 20.
^d See S. Thomas and the Schoolmen. 3. part. q. 22. ar. 6. d. In psal. 119.

derstood spiritually in figure, how the earthly Hierusalem was a shadow of the heavenly Hierusalem, and the earthly kingdome of the heavenly kingdome. So S. Austin, and thereupon concludeth, that if the olde Testament was a shadow of the new, non mirum quia ibi tenebræ, it is no meruaile though there were darkenesse there, pinguiorcs enim umbræ sunt tenebræ, for thicker shadows are darkenesse. Thus argueth S. Augustine proouing the imperfection of the old law in respect of the new, which the Apostle also proueth amply in the Epistle to the Hebrewes, saying, that the old law was abolished propter infirmitatem eius, & inutilitatem, for the infirmities, and inutilitie of it. Nihil enim ad perfectum adduxit lex, for the law brought nothing to perfection.

Hebr. 7.

Rom. 20. 18.

His second position is, that the defects of the old law, and Synagogue of the Iewes can not serue for a president to the new law, and the Church of Christ, and therefore though the Kings in the olde Testament should haue had authoritie ouer Priests, yet it would not follow, that Christian Kings should haue the like, for that the defects and imperfections of the Synagogue, (which S. Austin calleth terrenum regnum, an earthly kingdome) were not to be transferred to the Church of Christ, which is called euery where in the Scripture Regnum Cælorum, the kingdome of heauen, though on the other side the consequent must needs be good, that what excellencie, dignitie or perfection soeuer was in the Synagogue, the same must needs be farre more eminent and excellent in the Church of Christ, as the Apostle taught expressly, arguing thus: Si ministratio damnationis &c. If the ministratio of death with letters figured in stones was in glorie, that the children of Israel could not behold the face of Moyses for the glorie of his countenance, which is euacuated; how shall not the ministratio of the spirit be more in glorie? For if the ministratio of damnation be in glorie, much more the ministerie of iustice aboundeth in glorie. Thus argueth S. Paul, proouing a fortiori the supereminent dignitie and glorie of Christs law, by the great and eminent glorie of the Moisaicall law; whereto tendeth also his argument to the Hebrewes concerning the imperfection and infirmities of the Leuiticall Priesthood, in regard of the most excellent and high perfection of the Priesthood of Christ.

Hebr. 6. 7. 8.
& 9.Rom. 19. 30. 31.
32.1. Cor. 11.
Ephes. 4.
March. 28.
Luk. 10.
March. 11.
Heb. 12.

4 Whereupon it followeth evidently, saith Mr. Fitzherbert, that seeing the Priesthood of the olde Testament had such a supreme and soveraigne authoritie to create, anoynt, punish and depose Kings (as appeareth in the former examples) the Priesthood in the new Testament can not haue lesse power and authoritie, for it can not be with reason imagined, that God hauing taken vpon him our humanitie, and honoured the same with a peculiar and more excellent Priesthood then that of Aaron, yea ordained a visible succession of Pastours and Priests for the government of his Church to continue (as the Apostle witnesseth) & vntill the end of the world commanding also, that they should be heard and obeyed as himselfe; it were, I say against reason

think that he would give lesse honour and priviledge to these his owne substitute in his owne kingdome, then he gave to the successors of Aaron in the old law, whereby the shadow would be more worthie and perfect, then the bodie, the figure then the veritie, the Leviticall or Aaronicall Priesthood, then the Priesthood of Christ, and finally the Jewish Synagogue then Christs owne Spouse, and mysticall body, which is his Church, of the glorie & maiesty, whereof the Prophet Isay foretold speaking in the person of God thus, Ponam te, saith he, in superbiam seculorum, &c. I will place thee as the pride Ifay 60. of all worlds or ages, a ioy to generation and generation, and thou shalt sucke the milke of nations, and shalt bee fedde with the paps of Kings; and the children of those who have humbled thee, shall come crouching to thee, and shall adore the footsteps of thy feete, and thy gates shall bee open continually, and they shall not bee shut day nor night, that the strength of all nations, and their Kings may bee brought vnto thee. For the Nation and the Kingdome, which shall not serue thee shall perish, &c.

5 Thus promised almighty God by his Prophet, to raise and aduance the Church of Christ above the power of all Nations, and kingdomes, in so much that hee threatened ruine and destruction vnto them, if they did not serue her; whereby it may easily be iudged, what an excellent, and eminent power our Saviour gave to S. Peter and his Successors, when he not onely promised to build his Church vpon him, as vpon a rocke, and that the gates of hell should not preuaile against it, but also gave him such ample authority to binde and loose, that what soeuer he should binde, or loose on earth, should be bound and loosed in heauen, yea and finally made him supreme Palltour of his flocks, commanding him thrice to feede his sheepe, and lambes, that is to say, to gouerne those, that should any way pertaine to his fold the Catholike Church. Thus said I in my Supplement. Whereby it may appeare, that the Popes power to chastise Princes temporally, is must conforme to the law of God, not onely in the old Testament, but also in the new, according to Saint Pauls argument a fortiori before mentioned, drawne from the figure to the veritie. And therefore now to declare how I proued the same farther by the new law, &c. Thus argeth Mr. Fitzherbert. Math. 18.

6 Marke now, good Reader, what a trimme discourse this man hath made against himselfe, and what grounds he hath laid to ouerthrow his owne argument he groundeth thereon. For first I doe willingly grant his first position, to wit, that the old Testament was a figure of the new, the earthly Hierusalem a shadow of the heauenly Hierusalem, and the earthly kingdome of the Iewes a figure of the heauenly and spirituall kingdome of Christ, the eminent glorie of the Mosaicall law a figure of the supereminent dignitie and glory of the law of Christ, the Priesthood in the old law farre inferiour in authoritie, excellency, and perfection to the Priesthood in the new law, yea and that all things for the most

most part chanced to the Jewes in figure, for that *nihil ad perfectum adduxit lex*, The law brought nothing to perfection. But secondly, concerning his second position, it followeth evidently from hence, that not only the defects of the old law cannot serue for a president to the new law, and the Church of Christ, but also that all things in the olde law being compared to the law of Christ were defective, and imperfect, for that *the law brought nothing to perfection*, and that all the authoritie, excellency, and perfection of the old law was a figure and shadow of the authoritie, excellency, and perfection of the law of Christ.

7 Whereupon it followeth evidently, that although wee should suppose only for Disputation sake, because the contrarie we haue sufficiently proued before, that the Priesthood of the old Testament had a supreme, and soueraigne authoritie to create, annoint, punish, or depose Kings yet we cannot from thence, as from the figure to prouoe the veritie, conclude, that therefore the Priesthood in the new Testament must haue the same authoritie, for *this were not to fulfill the figure*, as Cardinall Bellarmine before affirmed, but that it must haue a farre more noble and excellent authoritie ouer Princes to create, annoint, punish, and depose Kings in another more excellent degree: to wit, that considering the promises of the old law were earthly, and of the new law heavenly, the kingdome of the Jewes was temporall, and the kingdome or Church of Christ eternall and spirituall, from hence as from the figure to the veritie we may deduce a good argument to prouoe, that as the Priests of the old law had authoritie to cleanse corporall vncleannesse, which did barre men from entering the earthly tabernacle made by the handes of men, so the Priests of the new law haue authoritie to cleanse the soule of spirituall vncleannesse, which doeth barre men from entering the Celestiall tabernacle created by God alone, and as the Priests of the old law had authoritie, according to my Adversaries false Doctrine, to create, annoint, punish, and depose earthly Kings, so the Priests of the new law haue authoritie to create, annoint, punish, and depose spirituall Kings, to create, institute, and make them heires to the kingdome of heaven by the Sacrament of Baptisme, to annoint them with the oile of grace by the sacrament of Confirmation, to punish them with spirituall and Ecclesiasticall Censures, to depose, or exclude them in some sort from the kingdome of heaven by denying them sacramentall absolution.

8 In this manner should Mr. Fitzherbert haue argued from the figure to the veritie, by which wee can onely proue, that the Priests of the new law can create, annoint, punish, and depose Kings in a more higher, and not in the same degrees for as Cardinall Bellarmine well obserued, *to fulfill the figure is not to doe that very thing which the law prescribeth to be done, but to put in place thereof some thing more excellent, which*

to signifie that figure did goe before, as Christ did not fulfill the figure of Circumcision, when hee was circumcised himselfe, but when hee ordained Baptisme in place thereof; and so the Priests of the new law doe not fulfill the figure of the Leviticall Priesthood by creating, anointing, punishing, and deposing earthly Kings in the same materiall manner, as the Priests of *Levi* did, but when they create, anoint, punish, and depose spirituall Kings, to wit, Christians, who by Baptisme are made heires to the kingdome of heauen, with spirituall creation, vnction, chastisement, and deposition, as I haue declared before. And by this the Reader may cleerely perceiue, that M^r. Fitzherbert hath not sufficiently prooued, either that the Priests of the old Testament had authoritie to create, depose, or punish temporally their Kings by way of temporall constraint, (for no man maketh doubt, but that the Priests both of the olde, and new law haue authoritie to anoint Kings, it being only a sacred, and religious ceremonie, and to punish temporally by way of command, and by declaring the law of God, as to enioyne fastings, almes-deedes, and other corporall afflictions, &c. and to declare that this, or that King shall be deposed, if God shall so reueale, because all these are meere spirituall actions) or else, that albeit wee should grant as my *Adversaries* vntreuely suppose, that the Priests of the old law had the aforesaid authoritie, to create, depose, and punish Kings temporally, yet therefore from thence any probable, and much lesse a potent argument, as this man pretendeth, can be drawne, as from the figure to the veritie, to proue, that the Priests of the new law must haue authoritie to doe the same things, but onely to do things more excellent, and of an higher degree, and order, as the body is more excellent, and more perfect then the shadow, the verity then the figure, Christ then Moyses, the new Law then the old, heauenly kingdomes then earthly, and Ecclesiasticall or spirituall Censures are of another nature, order, and degree then temporall or ciuill punishments.

9 Now M^r. Fitzherbert goeth on to procure also out of the new Testament, that the Priests of the new law, especially the *chefe Pastour* of the Church of Christ, haue authoritie to punish Princes not onely with spirituall, but also with temporall, and corporall punishments. And therefore now to declare, saith hee. & how I proued the same further by the new law, it is to bee understood, that I vrged^h to that end the commission given by our Sauour to S^t. Peter not onely to binde, and loose, but also to feede his sheepe, shewing by many texts of Scripture. as also by the authoritie of S. Augustine that Pascere, to feede, is taken for Regere, to gouerne; whereupon I drew certaine necessarie consequents in these words, &c.

10 But concerning the authoritie given by Christ our Sauour to S. Peter to bind and loose; or, which, euen according to Card. Bellan-

g. nu. 33. p. 87.

h. Suppl. ubi supra nu. 59.

Psal. 77.

Isa. 44.

Psal. 2.

Matth. 2.

Apoc. 19.

Aug. in Ioan.

Bel. L. de Rom.

Pont. c. 12. ad.

6. obis.

mines doctrine, is all one in substance, with to feede his sheepe (for that by those words, I will giue thee the keyes of the kingdome of heauen, and whatsoeuer thou shalt binde, &c. was onely promised to S. Peter, saith Cardinall Bellarmine, not giuen the power to binde, and loose, and the keyes of the kingdome, which keyes bee as the principall, and ordinarie Prefect, Prelate, or Governour then onely receined when he heard, Pasce oues meas, Feede my sheepe) I answered first, that not onely S. Peter, but also all the Apostles, receiued the keyes of the kingdome of heauen, and power to binde, and loose, and to feede the sheepe of Christs flocke, seeing that, as Christ saide to Saint Peter whatsoeuer thou shalt bind, &c. so he said to the rest of the Apostles, what things soeuer you shall binde, &c. albeit I will not deny, that Saint Peter was the first of the Apostles, but in what consisteth this prioritie, principalitie, primacie, or superioritie of S. Peter ouer the rest of the Apostles, as likewise of the Pope ouer all other Patriarchs, Primates, Arch-bishops, and Bishops of Christs Church, there is yet a great controuersie betwixt the Diuines of Rome, and of Paris, and perchance hereafter I shall haue occasion to treat thereof more at large. But that which for this present I intend to affirme is this. that considering in those wordes of our Sauour *Tibi dabo clauis, &c. I will giue thee the keyes, &c.* Saint Peter represented the whole Church, and not only to him, but also to the rest of the Apostles, and to the whole Church and Priesthood, which Saint Peter did represent, were promised the keyes, and power to binde and loose, as the holy Fathers, and ancient Diuines doe commonly expound, ¹ if from the power to bind and loose promised to Saint Peter it doth necessarily follow, that S. Peter, and his Successours haue authoritie to create, depose, and punish Princes temporally, it doth likewise follow, that the rest of the Apostles, and their Successours haue the same authoritie ouer Kings and Princes, who are subiect to them spiritually.

11 Secondly, those wordes of our Sauour, *whatsoeuer thou shalt bind, &c.* are to be vnderstood, as I answered in my Apologie nu. 36. of spirituall, not temporall bindings, and loosings, to absolue from sinnes, not from debts, to vnloose the bonds of the soule, not of the body, to open, or shut the gates of the kingdome of heauen, not of earthly kingdomes, to giue, or take away spirituall goods, graces, and benefits, not temporall goods, lands, kingdomes, or liues. When it was said to S. Peter, saith S. Augustine, *I will giue thee the keyes, and whatsoeuer thou shalt bind, &c.* he signified the vniuersall Church. The rocke is not from Peter, but Peter from the rocke: upon this rocke, which thou hast confessed, I will build my Church. The Church therefore, which is founded on Christ, receiueth from Christ the keyes of the kingdome of heauen, that is power to binde, and loose sinners. And againe beneath saith S. Augustine,

Peter

Peter the first of the Apostles received the keys of the kingdome of heauen to bind, and loose sinnes. So also S. Ambrose, S. Chrysostome, S. Fulgentius, Ambro. lib. 1. de panit. c. 2. Eusebius Emisen. Theophylact, S. Bernard, Hugo de S. Victore, Laurentius Insulanus, and infinite others vnderstand those words of our Sauour of binding, and loosing soules, and sinnes. Neither is there any one of the ancient Fathers, or Doctours before Pope Gregorie the seventh, that wrested them to the giuing, or taking away from any man whatsoeuer according to their deserts, Empires, Kingdomes, Princedomes, Dukedomes, Earldomes, and the possessions of all men; *Quia si potestis*, saith hee, *in celo ligare, & soluere, potestis in terra*, Imperia, Regna, Principatus, Ducatus, Marchias, Comitatus, & omnium hominum possessiones pro meritis tollere unicuique, & concedere.

12 I grant likewise, that *Pascere*, to feede is taken also for Regere, to gouerne, but not as a King gouerneth his kingdome, but as a Shepheard gouerneth his flocke, as well obserueth Iansenius vpon this place of S. Iohn. Christ, saith Theophylact, doeth not make Peter a Lord, nor a King, nor a Prince, but commandeth him to be a Shepheard. Wherefore, as those words, *whatsoeuer thou shalt bind, &c.* are to be vnderstood of spirituall, not temporall bindings, and loosings, and were spoken not only to Saint Peter, but also to the rest of the Apostles, so also these wordes, *Feede my sheepe*, are to be vnderstood of spirituall feeding, or gouernment, and doe belong not onely to S. Peter, but also to the rest of the Apostles, whom S. Peter did represent. *Atque hoc ab ipso Christo docemur, &c.* saith S. Basil, And this wee are taught by Christ himselfe, who appointed Peter the Pastour of his Church after him. For Peter, saith he, dost thou loue me more then these? *Feede my sheepe*: and consequently hee giueth to all Pastours, and Doctours the same power, whereof this is a signe, that all doe equally bind, and loose, after that manner as he. *Feede my sheepe*, saith S. Ambrose, which sheepe, and which flocke, not only blessed Peter did then take to his charge, but both hee did take charge of them with vs, and all we tooke charge of them with him. For not without cause, saith S. Augustine, among all the Apostles Peter sustained the person of this Catholike Church; for to this Church the keys of the kingdome of heauen were giuen, when they were giuen to Peter, and when it is said to him, it is said to all, Dost thou loue, *Feede my sheepe*. Let Bishops, and Preachers of the word heare, saith Theophylact, what is commended to them, *Feede* saith Christ, my sheepe, &c. Certaine things, saith Cardinall Bellarmine, are said to Peter in regard of the Pastoral office, which therefore are vnderstood to be said to all Pastours, as *Feede my sheepe*, and confirme thy brethren, and whatsoeuer thou shalt bind, &c. But of this my second answere more beneath, ¹ where you shall see in what fraudulent manner D. Schulckenius replyeth to the same.

13 Now you shall see, what necessarie consequents Mr. Fitzherbert

Q 2

hath

Chrysost. Theoph. in Mat. 16. Fulgent. Euseb. Emis. supra.

Bernard. l. 2. c. 6 de considerat. Hug. Viator. 2. serm. 64. Iust. Manast.

Laurent. Inst. de casto coniub. verbi, & anim. m. c. 10.

k. In the Excommunication of Henry the 4. in the eight Roman Council held by him in the yeere 1080.

Iansenius c. 148. Concord. Theoph. in c. 21. Iohn.

Basil in l. de vita solitaria c. 23.

Ambro. de dignis sacerdot. c. 2.

Aug. de agone Christiano c. 30.

Theoph. in c. 21. Iohn.

Bell. lib. 2. de Rom Pont. c. 12. in fine. Edis. Ingolstadt. 1580.

1 num. 21. & seq.

m nu. 33. p. 87
Suppl. nu. 61.

hath drawn from those words of our Sauour, spoken to S. Peter, *Whatsoever thou shalt bind &c. and Feede my sheepe.* For as much, saith he,^m as there can be no good government of men without chastisement (when in occasion requireth) it followeth that Christ giuing the government of his Church to S. Peter (and so consequently to his Successours) gave them also power to chastise, and punish such as should deserve it; Whereupon it followeth, that seeing all Christian Princes are sheepe of Christs fould, and to be governed and guided by their supreme Pastour, they cannot exempt themselves from his iust chastisement, when their owne demerites, and the publike good of the Church shall require it. And this, I say, not onely of spirituall, but also of temporall and corporall correction.

14 But first, I willingly grant, that Christ giuing the government of his Church to S. Peter, and also to the rest of his Apostles (and so consequently to their Successours) gave them also power to chastise and punish all those that are sheepe of Christs fould, and consequently also all Christian Princes, when their demerites, and the publike good of the Church shall require it. But I vtterly denie, that this chastisement is to be vnderstood, as Mr. Fitzherbert saith, not onely of spirituall, but also of temporall and corporall correction. For as Christ our Sauour hath instituted his Church a spirituall, and not a temporall Common-wealth, and consequently granted her power to giue onely spirituall goods, graces and benefites, not temporall goods, lands or kingdomes, so also the spirituall Pastours or Gouvernours thereof haue authoritie by the institution of Christ to chastise and punish spirituallly, not temporally, or, which is all one to inflict spirituall, not temporall punishments, and to deprive their spirituall sheepe, and subiects of those spirituall goods, which they haue receiued from the Church, and by being Christians, and not of those temporall goods, which they had before they became Christians, and which they receiue not from the Church, but from the temporall kingdome, or Common-wealth. And therefore small credite is to be giuen to Mr. Fitzherberts bare, I say, vnlesse he could more sufficiently prooue and make good what he saith.

15 Marke now secondly, how well he confirmeth this his, I say, For if bad Princes, sayth he, could not be temporally chastised by their Pastour, when they contemne the spirituall rod of Ecclesiasticall Censures (as wicked Princes commonly doe) Christ had not sufficiently provided for the government of the Church. But this consequence, which is so barely, and without any prooue at all affirmed by him, I vtterly denie. For to the good government of a spirituall kingdome or Common-wealth, as is the Church of Christ, it is sufficient for the Pastours and Gouvernours thereof to haue authoritie to punish spirituallly, not temporally, or to inflict spirituall, not temporall punishments; as also to the good government of

of temporall kingdomes or Common-wealths it is sufficient, that their *Kings, Princes* and other *Governours* have authoritie to punish temporally, or to inflict temporall, not spirituall punishments. But of this consequence more beneath, for in effect it is all one with Card. *Bellarmines* second reason, which D. *Schulckenius*, as you shall see, labourerth in vaine to make good, against the answer, which in my *Apologie* I brought thereunto.

16 But this may yet be more eident, saith M^r. *Fitzherbert*, if we consider, that the greatest inconuenience and harme that can happen to the Church of God, groweth commonly by the negligence, opposition, rebellion or apostasie of Christian Princes; who so long as they remaine obedient and dutifull to the Church, are (as the Prophet calleth them) her *Nutriti*, that is to say, *Isay. 53.* her Foster-fathers, or, as it were, her *Armes*, not onely to defend her against all forraigne enemies, but also to retaine all her subiects in their due obedience, executing her lawes and decrees, and confirming the same with her owne constitutions; and therefore we see that in a Christian Countrey, where the Prince is Catholike, if any subiect doe contemne or resist an Excommunication, or other Censure of the Church, he is euen by the temporall and publike lawes, and by the authoritie of the Prince forced presently to doe his dutie, or else is seuerely punished; so that while the Prince remaineth obedient to the Church there is no doubt or danger of disobedience in his subiects, or of any other great inconuenience to ensue on their parts. But if he become disobedient himselfe, and fall into heresie, *Sehisme* or *Apostasie*, what remedie hath the Church against him by a bare Ecclesiasticall Censure? doth he not contemne it? and by his authoritie and example, draw his subiects for the most part to a generall renolt from the Church? shall we then say, that Christ left not to his Church sufficient authoritie to remedie this?

17 If a Christian Prince become disobedient to the Pastours of the Church, and shall contemne all Ecclesiasticall Censures, fearing not to be declared, as a *Heathen* and *Publican*, and to be deliuered ouer to *Sathan* by Excommunication, which is a greater punishment, saith *S. Augustine*, then to be stricken with the sword, to be consumed by fire, or to be exposed to the denouring of wild beasts, the Church hath no other punishment to inflict vpon him; and therefore in this case she, hauing performed her office, and inflicted her last punishment, hath no other remedie, then to leaue him to the iudgement and punishment of almighty God, who will euer protect his Church, and to flie to prayer, fasting, almes-deeds, patience and such kind of spirituall armour or weapons, which are proper, saith the *Glosse*; to the souldiers of Christ; neither must she therefore vsurpe temporall and ciuill weapons, or armour (as are the depriuing of temporall and corporall goods) which doe not belong to spirituall Pastours, but to temporall Princes; Kingdomes and Common-wealths. Thus I answered in my *Apologie* and

*Augustin. lib. 1
contra Aduer-
sar. leg. & pro-
phet. cap. 17.*

1^a ad Ephes. 4.

o nu. 184.

the reason hereof I gave a little before; for that Excommunication, or such like spirituall Censure, is the last and onely punishment which the Ecclesiasticall or spirituall power, by the institution of Christ, can inflict, as *Iohanne Parisiensis*, *Iacobus Almaine*, and very many Doctors, sayth *Almaine*, doe affirme.

*Iohan. Paris. de
poss. Reg. &
Pap. cap. 14.
Almain. in lib.
de dominio nat.
cim. & Ecclef.
concluf. 2.
Bell. lib. 2. de
Concil. cap. 19.
ad secundum.*

18 And what if a wicked Pope shall afflict the Church, and seeke to ouerthrow the spirituall good thereof, and to draw soules into perdition, what authoritie, thinke you, hath Christ our Sauour, the spouse, Protectour and King of the Church, according to Card. *Bellarmines* doctrine, left to his Church to remedie this? I answer, saith he, that it is no meruaile, that the Church in this case remaineth without any effectuall humane remedie, seeing that her safetie doth not chiefly relye vpon the industry of men, but vpon the protection of God, who is her King. Therefore although the Church hath not power to depose the Pope, yet she may and ought to pray humbly to God, that he will bring some remedie. And it is certaine, that God will haue a care of her safetie, who will either conuert such a Pope, or else take him out of the way, before he destroy the Church. And yet against this answer, which may in like manner be applyed to wicked Princes persecuting the Church, and contemning Ecclesiasticall Censures, Mr. *Fitzherbert* dare not conclude, that therefore Christ our Sauour hath sufficiently provided for the government of his Church.

*Schulcken.
pag. 359. ad qu.
284.*

19 But what thinke you, doth D. *Schulckenius* reply to that which I answered, that if wicked Princes shall contemne all Ecclesiasticall censures, the Church, hauing vsed her last punishment, cannot proceed against them by inflicting temporall punishments? Euen as he usually doth throughout his whole booke, by cunningly shifting of the difficultie, and flying from one argument to an other, and in the end to his accustomed rayling, and slanderous speeches. I answer, saith he, The temeritie of this man, who will haue himselfe to be accounted a Catholike, is wonderfull. A generall Councell of the Christian world saith, that Princes favouring heresikes, and contemning Excommunication, are to be deprived of their dominions by the Sen Apostolike: and one man doth freely contradict and affirme, that the Church hath no other thing to doe, but hath performed her office, after she hath throwen the dart of Excommunication. To whom ought Catholike men giue credite, whether to the vniuersall Church giuing testimonie of her authoritie receiued from God, or to one, I know not whom, who lying hid vnder an other mans name saileth out words?

20 But first, to retorne him backe his bitter inuective, truly I cannot but admire the fraudulent, and vncharitable dealing of this Doctor, who would haue himselfe to be accounted so good, sincere, and zealous a Catholike, and yet lyeth lurking, and schulking vnder another mans name, of purpose as it seemeth, to lath out more freely

contumelious words, which in his owne name he would blush to utter: for otherwise he needed not to disguise himselfe for feare of incurring the displeasure of *Princes*, for the doctrine he teacheth so prejudiciall to their temporall Soueraigntie, which also he will needes haue, to be, *forsooth*, an vndoubted point of Catholike faith; both for that he being a man of so high a ranke, and place, and liuing out of their dominions, and subiection, can by their indignation taken against him receiue but little harme, and also for that he teacheth heere little or nothing in preiudice of their Soueraigne authority, which he did not long before in his owne shape, and name, without putting on any maske, or vizard in very plaine words maintaine: But in what an exorbitant manner the *Coune* of *Rome* doth proceede against those Catholikes, who, for desire to know the truth in matters of greatest moment, speake, or write any thing (be it with neuer so great submission) which seemeth in their opinion to derogate from that authoritie, which some *Popes* of late yeres haue claimed as due to them, although it is, and euer hath beene contradicted by learned Catholikes, it is too too manifest, and their proceedings against mee, and my bookes, in commanding mee vnder paine of Censures to purge my selfe forthwith, and yet giuing mee no notice of any crime, which I haue committed, or any bad doctrine, which I haue taught, albeit I haue oftentimes with great instance desired to know the same, protesting to purge, and recall whatsoeuer I ought to purge, and recall, doth sufficiently confirme the same. But now *secondly* to the matter, from whence the virulent speeches of this *Ductor* hath caused mee to make this digression.

21 *Card. Bellarmine* in his *Cotrouersies* laboured to prooue from the nature of every perfect, and well instituted Common-wealth, which ought to haue all sufficient, and necessary authoritie to the attaining of her end, that the Church of *Christ* must haue authoritie to vse, and dispose of temporall, and consequently to inflict temporall punishments, and to depose temporall *Princes*, for that this authoritie is necessary to her spirituall end, which is the salvation of soules, because otherwise wicked *Princes* might without punishment nourish heretickes, and overthrow Religion.

Bell. lib. 5. de
Rom. Pont.
cap. 7.

To this argument I answered in my *Apologie*, graunting to *Card. Bellarmine*, that every perfect, and well instituted Common-wealth ought to haue alwaies sufficient authority, for as much as concerneth the authoritie it selfe, to the attaining of her ende, although she hath not alwaies sufficient power, force, meanes, or abilitie actually to obtaine the same, and to remooue all impediments, which may hinder the same. And so the Church of *Christ*, being a perfect, and well instituted spirituall Common-wealth, hath all sufficient spirituall authority, forasmuch as concerneth the authority it selfe, to the attaining of her spirituall

Apolog. 17.
C. seq.

" spirituall end, which is the sauing of soules, albeit she hath not alwaies
 " sufficient power, meanes, or ability actually to bring all men to salua-
 " tion, & to take away all the lets, that may hinder the obtaining there-
 " of. But withall I denied, that the authoritie to vse, and dispose of tem-
 " porall things, or to inflict temporall punishments is necessary in spiri-
 " tuall Pastours to the sauing of soules, but that the authority to vse, and
 " dispose of spirituall things, and to inflict spirituall Censures, or punish-
 " ments is sufficient in spirituall Pastours to bring soules to saluation, for-
 " asmuch as concerneth the authority, and punishment themselues.
 " 22 Neither doth it therefore follow, as Card. *Bellarmino* preten-
 " ded to conclude, that if the Church hath not authority to vse and dis-
 " pose of temporalls, and consequently to depose temporall *Princes*,
 " wicked *Princes* might without punishment nourish heretickes, and
 " ouerthrow religion. For the Church by her spirituall authority may
 " punish them grievously with Ecclesiasticall Censures, which punish-
 " ments are so great and dreadfull, that of themselues they are able to
 " terrifie any Christian *Prince*, and to withdraw him from euill. But if
 " some Christian *Prince*, for want of due consideration bee not terrified
 " with Ecclesiasticall Censures, the spirituall authority of the Church
 " cannot inflict vpon him any temporall, or ciuill punishment, for that
 " the onely and last punishment, which the Church, or, which is all one,
 " the spirituall Pastours thereof by the institution of *Christ* can inflict, is
 " Excommunication, or some such like spirituall Censure or punish-
 " ment. Thus I answered in my *Apologie*.

23 Now D. *Schulkenius* to confute this my answer, flyeth from
 Card. *Bellarmino*s reason grounded vpon the nature of euery perfect,
 and well instituted Common-wealth, which reason I tooke vpon mee
 in that place to confute, to the Decree of the *Councell of Lateran*, which
 is his common skar crow. For when he cannot confute the answer,
 which I giue to any reason, or authority brought by Card. *Bellarmino*,
 to prooue the *Popes* power to depose *Princes*, then his custome is to
 flye from that reason, or authority to the Decree of the *Councell of La-
 teran*, as though that onely Decree of the *Councell of Lateran*, of which
 Card. *Bellarmino* in his *Controuerfies* made no account at all, were now
 a sufficient prooffe to make good all his other reasons and authori-
 ties: which Decree neuerthelesse he expoundeth according to his pri-
 uate spirit, contrary to the words and true meaning of the same Coun-
 cell: and in stead of the *Lateran Councell*, which I doe not impugn,
 he would thrust vpon Catholikes his owne opinion, which he violent-
 ly wresteth from the words of the *Councell*.

24 For as I haue often told him, I am a true and sincere Catho-
 like, yea and a farre truer, then he himselfe is, if he build his Catholike
 faith vpon such weake, and fallible grounds, which some Catho-
 likes

likes vnderstand in one sense, and some in another: it being well knowne to all learned Catholikes, that the Catholike faith, which is infallible, cannot be built vpon vncertaine, and fallible grounds, and which are in controuersie among Catholikes, but vpon vndoubted grounds, and so acknowledged by all true and learned Catholikes. So likewise I haue often told him, that I doe giue all dutifull honour and respect to all the Decrees of any approoued *Councell* either touching faith, or manners, and I doe reuerence euery one of them in their due place and order, but euery exposition, which either Card. *Bellarmino*, or any other priuate *Doctour*, who may both deceiue, and be deceiued, maketh of any Decree of the *Councell of Lateran*, or of any other *Councell*, especially when other *Doctours* expound that Decree otherwise, I doe not account to bee any good ground, or rule of a true *Catholike* faith. And therefore it is not true, that I doe freely contradict the Decree of the *Councell of Lateran*, but I doe freely contradict his priuate exposition of the Decree of that *Councell*, it being contrary to the true sense and meaning of the wordes thereof, and no sufficient prooffe to confirme his new inuented Catholike faith touching the *Popes* power to depose Princes, as I will at large make plaine beneath p.

25 Secondly, it is also vntrue, that I onely am the man, who denieth the spirituall Pastours of the Church, to haue authoritie by the institution of *Christ* to inflict temporall punishments, and consequently to proceed to no other temporall chastisement, after they haue cast the dart of Excommunication. Many other learned Catholikes, as I haue shewed aboue q, doe also deny the same, and *Almaine* affirmeth, that it is the doctrine of most *Doctours*, that the Ecclesiasticall power cannot by the institution of *Christ* inflict any temporall, or ciuill punishment, as death, exile, priuation of goods, &c. *Ten* nor so much as to imprison. With what face therefore dare this *Doctour*, to terrifie simple Catholikes, cry out so often, *Onely Widdrington*, or *ely Widdrington*, as Card. *Bellarmino* did *onely Barclay*, *onely Barclay*, doe oppose themselves against all Catholikes. But God be praised, that my *Aduersaries* themselves haue liued to see, what little credit is giuen by Catholikes to their vaunting words, and with what disgrace their bookes haue bene handled by the State of *France*. For Card. *Bellarmino*'s booke against D. *Barclay* was condemned and forbidden by the *Parliament of Paris* vnder paine of treason, this *Doctours* booke against me was disgracefully burnt by the hangman before the great staires of the Pallace, and the same fire, but by a more publike sentence and in a more solemne manner, *Fa. Suarez* booke also hath passed.

26 Thirdly, this *Doctour* very learnedly, forsooth, carpeth at me for abusing words in calling deposition, and killing, temporall armour, or weapons. My *Aduersarie Widdrington*, saith he, abuseth words, when

p Chap. 9. &

seq.

q Part. 2.
per seum.

r Cap. 8. & seq.

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he affirmeth deposition and killing to be temporall armour, or weapons. *¶* Who ever heard, that deposition or killing are armour, or weapons? They are effects of armour or weapons, but they themselves are not armour, or weapons. But first this Doctour hath so vigilant an eye ouer my words and writings to carpe at them, that he quite forgetteth what words he himselfe doth vse. For he himselfe heere confesseth, that Ecclesiasticall Censures are spirituall armour, or weapons, whereupon in this very Chapter he calleth Excommunication a dart; and Card. Bellarmine in his booke against Barclay calleth Ecclesiasticall Censures the spirituall sword: and yet Excommunication, and other Ecclesiasticall Censures are according to his owne doctrine effects of spirituall armour, or weapons, to wit, of the Ecclesiasticall power, which he calleth the spirituall sword. And if spirituall Censures, or punishments may be called spirituall armour, or weapons, although they be an effect of the spirituall power or sword, why may not, I pray you, temporall censures or punishments, as are deposition, and killing, be called temporall weapons, or armour although they be effects of the temporall power, or sword? If therefore I abuse words in calling temporall Censures, or punishments, temporall armour, or weapons, how can he excuse himselfe from abusing words in calling spirituall Censures, or punishments, spirituall armour, or weapons?

27 Secondly, it is vsuall among Philosophers to nominate, and describe a thing by the name of the cause, whereupon they deuide a definition into a formall, and causall definition, or description: as the Eclipse of the Moone is commonly described to be, an interposition of the earth betwixt the body of the Sunne, and of the Moone, not for that the Eclipse of the Moone is formally that interposition, for it is formally nothing else, then a want of light in the Moone, but for that it is caused by that interposition: and Thunder, according to the opinion of Empedocles and Anaxagoras, is defined to be a quenching of fire inclosed in a cloude, but according to the doctrine of Aristotle a violent breaking out of a fiery exhalation inclosed in a cloud, not for that Thunder is formally the aforesaid quenching, or breaking forth, for it is formally a sound, or noice, but for that this sound is caused from thence: so likewise spirituall and temporall Censures may be called spirituall and temporall armour or weapons, not for that formally they are so, but for that they are effects caused from thence. But lastly what man is so ignorant, who knoweth not, that the same thing may be both an effect, and also a cause being considered diuers waies: and so the same spirituall or temporall Censure and punishment, as it proceedeth from the spirituall, or temporall power, which is rightly called the spirituall, or temporall sword is an effect, and not to be called a sword, weapon, or armour, yet as it is a cause to bring great griefe to the person so punish-

f Cap. 8. pag.

360.

t Cap. 19. pag.

185.

v Pag. 386.

387. & in tract

contra Barclai.

cap. 19. pag.

188.

See Aristotle

lib. 2. Meteor.

sum. 3. cap. 1.

cap. 2.

ed, or to redresse great euill, it may well be called armour offensive, or defensive: yea and *griefe* it selfe may without abusing of words be called a *sword*, according to that of the holy Scripture Luc. 2. *And thy owne soule a sword shall pearce.* And thus you see how weakely, and fraudulently this *Deſſour* hath impugned my answer.

28 Now to returne to Mr. Fitzherbert: He, forsooth, bringeth an other reason but as insufficient as his former, to proue that the Pastors of the Church haue authoritie to inflict temporall, or corporall punishments, vpon hereticall, or schismaticall Princes, if they shall contemne Ecclesiasticall Censures. *For otherwise, how is that,* saith he, ** fulfilled, which the Apostle said of the most ample power, that he, and other Apostles had to destroy Munitions & Counsellors, and all Altitude, or Loftinesse, extolling it selfe against the knowledge of God; yea and to reuenge, (or punish) omnem inobedientiam, all disobedience; Which words S. Augustine, understandeth of the authoritie left by our Saviour to his Church, so compell her rebellious, and disobedient children to performe their duties: and the same is also acknowledged by some of our principall Aduersaries, namely Caluin, who not only expoundeth this place of the coercitiue, and coactive power that is in the Church, but also groundeth the same vpon the words of our Saviour to his Apostles. Quicquid ligaueritis super terram, erit ligatum & in caelis &c. Whatsoever you shall bind on earth shall be bound in heauen, and whatsoever you shall loose on earth, shall be loosed in heauen.*

* Num. 35.
pag. 89.
2. Cor. 10.

August. ad Bonifac. Com.
epist. 50.

Caluin vpon this place.

Math. 18.

29 Whereupon I inferre, that if the Ecclesiasticall authoritie did not extend it selfe to the chastisement of disobedient Princes in their temporall states, the Church should not haue the power whereof S. Paul speaketh, that is, to reuenge all disobedience, seeing that the disobedience of absolute Princes to Ecclesiasticall Censures should be incorrigible, and remediless. Whereupon it would also follow, that the authoritie, and power of the Church should be no better in effect then a cobweb, which holdeth only the little flies, and serueth to no purpose against the great ones, sufficing to correct all inferior persons, and to prevent, and remedy all the inconueniences that may grow from them, but not to redresse the most dangerous, and pernicious disobedience, that may be; to wit, the rebellion of Princes against the Church, from whence the greatest danger, and damage to soules may, and commonly doth arise: if this then should be without remedie, it must needs follow (as I haue said) that Christ hath not sufficiently provided for the gouernment of his Church, yea much worse then temporall Kings are wont to provide for the administration of the Princes, or States subiect to them; who when they appoint Lieutenants, or Deputies any where, doe giue them authoritie ouer all sorts of subiects, and so much power as may suffice for the remedy of all inconueniences (and specially of the greatest) which may occurre in the States where they gouerne.

30 Therefore it must needs be granted, that our Saviour Christ, ordaining

Yauolen. leg. 2.
P. de Iurisd. Et.

daining a government in his Church, gave to the Governours thereof sufficient power and iurisdiction to redresse all kind of inconueniences in all sorts of subiects, as well the highest, as the lowest, and when spirittuall correction will not suffice, then to chastise them also in their temporalities, so farre forth, as shall be necessarie for the publike good of the Church, and for the due execution of their office, and charge. For as the Lawier saith, Cui iurisdicctio data est, ei quoque concessa esse videntur, sine quibus iurisdicctio explicari non potuit; To whomsoever iurisdiction is giue, those things do seeme to be granted withall, without the which the iurisdiction could not be explicated: and this is also conforme to the axiome of the Philosophers, qui dat esse, dat consequentia ad esse, he which giueth being, giueth also those things, that are consequents thereof, or necessarily required thereto.

31 But first I would demaund of Mr. Fitzherbert, what remedie the Church hath against a most potent Christian Prince, who shall contemne, not only an Ecclesiasticall Censure, but also euery sentence of deprivation, or of any other temporall or corporall chastisement denounced against him by the Pope? doth he not contemne this Censure, and sentence? and by his authoritie, and example draw his subiects, for the most part, to a generall reuolt from the Church? shall we then say that Christ left not to his Church sufficient authoritie to remedie this? How then is that fulfilled, which the Apostle said of the most ample power of the Church to *revenge*, or punish all disobedience, seeing that the disobedience of absolute Princes to this sentence of deprivation should be incorrigible, and remediless? Whereupon it would also follow, that the authoritie and power of the Church should be in effect no better then a cobweb &c. Let Mr. Fitzherbert satisfie this demaund, and he will forthwith see, that in the like manner his owne argument may be answered.

32 Secondly, as euery well instituted temporall common wealth, and the chiefe governours thereof haue alwaies sufficient temporall power, taking temporall power for authoritie to punish with temporall punishments all treasons, rebellions, and contempts whatsoever, although they haue not alwaies sufficient power, taking power, for might, force, or effectuall meanes to redresse actually all disorders that shall arise in the common wealth, for that if the perturbors of the common wealth be more potent, and strong then the rulers, and governours thereof, they will little regard any sentence or declaration either of exile, losse of goods, and libertie, or also of life that the Governours of the common wealth shall denounce against them, and yet no man will deny, that the chiefe Governours of the common wealth haue sufficient authoritie, forasmuch as concerneth the authoritie it selfe, to punish with temporall punishments euery particular contempt of these seditious, and wicked subiects, and to redresse all inconueniences that possibly

possibly may arise: So likewise the chiefe Pastours, or Gouvernours of the Church, or spirituall kingdome of Christ, haue alwaies sufficient spiritual power, taking spirituall power for *authoritie*, to punish with spirituall punishments all heresies, schismes, and other crimes whatsoeuer, although they haue not alwaies sufficient spirituall power, taking power for force, might, or effectuall meanes to redresse actually by spirituall punishments all inconueniences, and disorders that shall arise in the Church of Christ: For if the disturbers of the Church be peruerse, obstinate, and wilfull they will little regard any Censure, sentence, or declaration that the Pastours of the Church can possibly denounce against them; and yet no man will deny, that the chiefe Pastours or Gouvernours of the Church of Christ, haue sufficient *authoritie*, for as much as concerneth the *authoritie* it selfe, to punish with spirituall Censures every particular contempt of these disobedient persons, and that these spirituall Censures, are of themselves sufficient to terrifie any Christian whatsoeuer, and to withdraw him from sinne, seeing that they are farre more grieuous and dreadfull as *S. Augustine* affirmeth, then any temporall punishment whatsoeuer.

33 Thirdly, I answere, that *S. Paul* had indeede through the gift of miracles, which Christ our Sauour gaue to him, and to the rest of the Apostles, not only a most ample and extraordinarye *authoritie*, but also power, might, force, and effectuall meanes, to punish or reuenge all disobedience, euen with temporall and corporall punishments. Whereupon, as *S. Chrysostome* obserueth vpon this place, *hee* Chrysost. in 2 Cor. 10. did one time cure a lame man, an other time *hee* raised one from death to life; and an other time he punished Elymas the Magician with deprining him of his sight. And *S. Anselme* numbred among this spirituall armour, whereof the Apostle heere speaketh, the doing of miracles. For we, saith *S. Anselme* speaking in the person of *S. Paul*. doe not warre, on fight according to the flesh. For the weapons of our warfare are not carnall but spirituall, and mighty to God our King, for whom we warre, or fight. For we doe not beare a materiall lance, or sword, but we doe more mightily overthrow our enemies with the word, then others doe with carnall weapons. For our weapons are the word of preaching, wisdom, miracles, charitie, and other vertues &c. 2 Cor. 12.

34 Wherefore *S. Paul* speaketh not only of *authoritie* to fight, or punish, but also of might, force, or effectuall meanes to overcome his enemies. Our weapons, saith he, are mighty to God to destroy munitions, that is, saith *S. Anselme*, secular doctrines, arguments, and subtilities, by which peruerse men doe strengthen their hearts, that the word of truth may not be able to touch them, because the art of Apostolicall preaching doth mightily pearce, and overthrow through the vertue of spirituall grace these kind of munitions. And we haue also in readinesse, that is in manifest, and speedy effect,

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to reuenge all disobedience, that is, to punish the offences of them, who would not obey vs, that they might correct themselves: Which we will doe, when your obedience shall be fulfilled, that is, when all the rest of you shall by loue be obedient in all things. Thus S. *Anselme*. Now what learned man will thus conclude, that because S. *Paul* and the *Apostles* had a most ample, extraordinarie and miraculous authoritie, power, might, and effectuall meanes to conuert men to the faith of *Christ*, and to reuenge or punish all that were disobedient with temporall punishments even by death, as S. *Peter* did *Ananias* and *Saphyra*, or by depriving them of their sight, as S. *Paul* did *Elmas* the Magician, or by deliuering them to *Sathan* to be visibly tormented by him, as S. *Paul* did the incestuous Corinthian, that therefore the ordinarie *Pastours* of the Church haue now either an extraordinarie, or ordinary authoritie, power, might and effectuall meanes to doe the like.

35 I omit that S. *Ambrose* or whosoever is the Authour of those Commentaries, expouideth those words, to reuenge all disobedience, when your obedience shall be fulfilled, of the *Corinthians* themselves, who being perfectly conuerted shall punish in themselves their former disobedience. It is manifest, saith S. *Ambrose*, that he reuengeth disobedience, when he condemneth it by obedience, then destroying it, when he bringeth to the faith those, who doe resist, or disobey, that infidelitie may be condemned by them, by whom it was defended. The same also doth S. *Anselme* insinuate, as you haue seene above.

36 But S. *Augustine*, saith Mr. *Fitzherbert*, vnderstandeth those words of the *Apostle* [hauing in a readinesse to reuenge all disobedience] of the authoritie left by our Saviour to his Church to compell her rebellious and disobedient children to performe their duties. True it is, that S. *Augustine* applyeth those words of the *Apostle* to the authoritie of the Church to compell heretikes by temporall punishments to returne to the faith of *Christ*, taking the Church, as it containeth all the faithfull, and consisteth both of temporall and spirituall power, but it is not true, that he vnderstandeth them of the authoritie of the Church, as the Church is taken for Church-men, or the spiritual *Pastours* of the Church. Wherefore Mr. *Fitzherbert* doth herein egregiously abuse his Reader. For S. *Augustines* maine drift both in that 50. epistle, & in the former 48. epistle is only to proue against the *Donatists*, that heretiks may lawfully be compelled with temporall punishments by the lawes of *Christian Emperours* to returne to the Catholike faith, and that the *Pastours* of the Church did well in requesting *Christian Emperours* to make such lawes. Wherefore the argument of the 48. epistle to *Vincentius* is, that S. *Austin* was once of opinion, that we must not deale with heretikes by violence, but only with the word of God, but afterwards being overcome with the doctrine and example of others he changed his opinion, and taught that it is lawfull to im-
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implore the lawes of Princes against the enemies of the faith, so that it be done with an intention to correct, and not with a desire to reuenge: And the argument of this 50. Epistle is, that S. Augustine sheweth with what moderation heritickes may through feare of Emperiall lawes be reduced to the communion of the Church. And in his second booke of *Retractions*, mentioning this Epistle to Bonifacius he writeth thus: *At the same time I wrote also a booke (meaning this 50. Epistle) concerning the correction of the Donatists by reason of those, who would not haue them to be corrected by the Emperiall lawes. This booke beginneth thus: Laudo, & gratulor, & admiror fili dilectissime Bonifaci.* Cap. 48.

37 Iudge now, good Reader, what a shamefull fraud is this of Mr. Fitzherbert to make ignorant Catholikes beleue, that S. Augustine bringeth those words of the Apostle to prooue the authority left by our Saniour to his Church, that is, to Churchmen, or to the spirituall Pastours of the Church (for so hee vnderstandeth the word Church in all this his Discourse) to compell her rebellious, & disobedient children by force of temporall punishments to performe their duties, whereas S. Augustines intent onely is to prooue the lawfullnesse of the Emperiall lawes compelling heretickes by temporall punishments to returne backe to the faith, and that Church-men, or the spirituall Pastours of the Church may lawfully implore the Emperiall lawes, and desire Christian Princes to compell heretickes to forsake their heresie by force of temporall punishments, so that they desire it with intent to correct them, and not with a desire of reuenge.

38 But if the Ecclesiasticall authority, saith Mr. Fitzherbert, did not extend it selfe to the chastisement of disobedient Princes in their temporal states, it must needs follow that Christ had not sufficiently provided for the government of his Church; yea much worse then temporall Kings are wont to provide for the administration of the Prouinces, or states subiect to them, who when they appoint lieutenants, or deputies any where, do giue them authority ouer all sorts of subiects, & so much power as may suffice for the remedy of all inconueniences (and specially of the greatest) which may occurre in the States where they gouerne, &c. But this consequence I haue euer denied. For, as I haue often said, to the good government of the Church of Christ, which is a spirituall, & not a temporall kingdome, or common-wealth, it is onely required, that the Pastours, or Gouvernours thereof haue authoritie to inflict spirituall, and not temporall punishments, and this authoritie, forasmuch as concerneth the authoritie, and punishments themselves, is sufficient to redresse all inconueniences, neither is it necessarie either in a spirituall, or a temporall kingdome, that the chiefe Gouvernours thereof should haue that power, might, or effectuell meanes whereby all inconueniences must actually at all times be redressed.

39 And therefore, as temporall Kings doe giue to their Lieutenants,

tenants, Deputies, or Vice-Royes sufficient temporall authoritie over all sorts of subiects in the Prouinces, or States where they gouerne, but not alwayes so much power, (taking power not for *authoritie* or iurisdiction, but for *might, force, or effectuall meanes*) as may suffice for the remedie of all inconueniences, for this power the Kings themselves doe often times want in those Dominions, where they themselves doe personally gouerne; so *Christ* our Sauour ordaining in his Church a spirituall, and not a temporall Government, gaue to the spirituall Gouernours thereof sufficient spirituall *authoritie* and iurisdiction, to redresse all kind of inconueniences in all sorts of subiects, as well the highest, as the lowest, but not sufficient power, *might, or effectuall meanes* actually to redresse the same: And as the Lieutenants, Deputies, or Vice-Royes of temporall Kings, if they offend, cannot be punished with temporall punishments by any subiect in the States where they gouerne, but by the King alone, to whom onely they are subiect in temporalls: So likewise if temporall Kings themselves doe offend, they cannot bee punished with temporall punishments but by God alone, to whom onely they are subiect in temporalls. Now to giue to temporall Common-wealths the vse of the spirituall power, sword, weapons, or armour, and authoritie to inflict spirituall Censures or punishments, or to the Church of *Christ*, as it is a spirituall common-wealth, the vse of the temporall power, sword, weapons, or armour, and authoritie to inflict temporall Censures, or punishments, it were both to confound the acts, functions, authoritie, sword, weapons, and armour of the spirituall and temporall common-wealths, which *Christ* our Sauour hath distinguished, and it is also repugnant to the expresse wordes of the holy Scripture, *nam arma militie nostre non carnalia sunt*, for the weapons or armour of our warfare are not carnall, &c. to the doctrine of the ancient Fathers, who affirme, that Emperours and Kings are in temporalls next to God in authoritie, and consequently to be temporally punished by God alone, and to the generall practise of the primitive Church.

2. Cor. 10.

40 Wherefore that comparison, which Mr. Fitzherbert bringeth heere of the cobweb, which holdeth onely the little flies, and serueth to no purpose against the great ones, &c. is idle, and to no purpose. For Ecclesiasticall Censures, which are the punishments belonging to the Church of *Christ*, are common both to Princes, and Subiects, and of themselves they are so dreadfull, that they are able, and sufficient of their owne nature to hold and keepe in awe all Christians whatsoever, and to correct, amend, and bring all sinners, as they did the Emperour *Theodosius*, to true repentance. But if some persons doe not feare these Censures, and be not amended by them, this is not to be attributed to the weakness, defect, or imperfection of the Censure; which of it selfe

is most dreadfull, yea and more horrible, saith *S. Augustine*, then any corporall death, but to the indisposition of the offender, who doth not duly consider the greatnesse, and dreadfullnesse of that Ecclesiasticall Censure. As likewise temporall punishments, as is the sentence of death, exile, imprisonment, whipping, confiscation of goods, &c. are of themselves able, and sufficient to withdraw any man from sinfull life, yet they doe not actually correct, and amend all malefactours, but this is not to be attributed to the weakenesse, or insufficiencie of the temporall sword, but the rashnesse, passion, malice, or inconsideration of such malefactours, who for want of due consideration, are not afraid of that temporall punishment, which of it selfe is able to terrifie any prudent man, and to redresse all kind of inconueniences in all sorts of subiects, as well the highest, as the lowest.

41 Neither is it necessarie for the publike good of the Church, as this man supposeth, or for the due execution of the office, and charge of spirituall Pastours, that they should haue authoritie to chastise temporally, or, which is all one, to inflict temporall punishments, and to vse the temporall sword; which is onely proper to temporall Princes, or common-wealths, and by the law of Christ forbidden spirituall Pastours, as they are spirituall Pastours, who haue only spirituall, and not temporall authoritie, as I proued aboue by the authoritie of *S. Bernard*. Wherefore that axiome of the Lawyer, *Cuius iurisdictio data est, &c.* To whom iurisdiction is given those things also doe seeme to bee granted, without which the iurisdiction could not be explicated; and that other of the Philosophers, *Qui dat esse, &c.* Hee that giveth being, giveth also those things that are consequent to being, or necessarily required thereunto, are vnaptly applied to this purpose: For spirituall iurisdiction can very well bee exercised without vsing temporall weapons, or inflicting temporall punishments; and to vse temporall weapons, or to inflict temporall punishments, is not a consequent, or necessarily required to the spirituall authoritie or iurisdiction of spirituall Pastours, as Mr. Fitzherbert vntreuely supposeth.

42 Now you shall see in what manner hee concludeth this Chapter. Thus then, saith hee, *z thou seest, good Reader, how I proued in my Supplement by the law of GOD, that the Pope hath power to chastise Princes in their temporall states, and dignities, when the necessitie of the Church shall require it; which I also prosecuted further there, in setting the Popes power over the bodies, and temporall goods of Christians by the power he hath over the soule, according to the two axiomes, Qui potest maius, potest minus, He which may doe the more, may doe the lesse; and Accessorium sequitur principalis naturam, The accessorie followeth the nature of the principall, which I haue amply debated before with my Adversarie Widdrington, in the second, and third chapters, having also laide*

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z pag. 91. m.
38. 39.

downe these words of my Supplement touching the same, and therefore I thinke it needlesse to repeat them here.

43 Now when I remitt it, good Reader, to thy iudgement, whether my *Adversarie* Widdrington hath not notably abused me in two things, the one in affirming (as you have heard before in the first Chapter) that I grounded all my discourse against the Oath in my Supplement, upon a bare supposition, that the Popes spirituall authoritie is abused therein; and the other that I have effectually proved nothing else by the law of GOD, but that the temporall power in spirituall things, & in temporal as they are reduced to spirituall is subject to the spirituall power, so far forth as concerneth the authoritie to command, & a spirituall maner of correction, not temporal (for so you have heard him say in the beginning of this chap.) though it be evident by the premises, that I have grounded my arguments against the oath (not upon any such supposition, as he mentioneth) but upon the very substance of the law of God in the old, and new Testament, and that I have deduced from thence by most pregnant reasons, and necessaries consequents, that the Pope hath power to proceede to the temporall correction of Princes, when the spirituall will not suffice, and the necessitie of the Church doth require it.

44 Whereupon it followeth evidently, that the new Oath, which impugneth this power of the Pope, is repugnant to the law of GOD. So that, you see, how probable my *Adversaries* Widdringtons answers are, or rather how fraudulent. Seeing that he dissembleth all the substance, and pieth my arguments, abusing therein his Reader, no lesse then mee, seeking to breake in him a false conceit of the substance, and effect of my discourse, and then framing his answer, according to his owne forgerie. So as, in fine, he answereth nothing of mine, but his owne vaine conceits, as it will also further appear by that, whichristeth to be debated betwixt vs, concerning the Lawes of Nature, and Nations.

45 But contrariwise thou seest, good Reader, that Mr. Fitzherbert in his Supplement neither hath sufficiently proved by the law of GOD, as hee here vntreuly affirmeth, either that the Pope hath power to chastise Princes in their temporall States, and dignities except by way only of direction, or commandement, or that the necessitie of the Church doth require, that spirituall Pastours should by their spirituall authoritie have power to vse the temporall sword, and to inflict temporall punishments; nor hath rightly concluded the Popes power over the bodies, and temporall goods of Christians from the power hee hath over their soules, by those two axiomes, *Hee that may doe the greater, may doe the lesse*, and *The accessorie followeth the nature of the principall*, the true sense and meaning whereof I have amply declared before in the second, and third Chapters, and have laid open Mr. Fitzherberts fraude, and ignorance in vrging those axiomes.

46 Wherefore to conclude with him this Chapter, I remitt it, good Reader,

See Chapter 1.
nu. 3. 7. & 9.

Supra nu. 1.

Reader, to thy iudgement, whether I haue any way abused Mr. Fitzherbert in two things, as hee saith I haue done, the one in affirming (as thou hast heard before in the first Chapter) that hee in his Supplement doth first of all suppose, that the Popes power to excommunicate Princes is abiured in this Oath; and the other, that hee hath effectually proued nothing else by the law of God, but that the temporall power is in spirituall things, and in temporall, as they are reduced to spirituall, subject to the spirituall power, so farre forth as concerneth the authoritie to command, and a spirituall manner of punishing by way of coercion, and not temporall. For, as I haue most amply shewed in this Chapter, he hath not brought any one pregnant reason, or necessary consequent, grounded vpon the law of God either in the olde Testament, or in the new, to proue, that the Pope hath power to proceede by way of temporall coercion, or which is all one, by inflicting temporall punishments, to the temporall correction or punishment of any Prince. Neither also hath hee brought any one pregnant reason, or argument to prooue, either that spirituall punishments are not of themselves sufficient, (although by reason of the indisposition of the person so punished not alwayes effectually) to redresse all inconueniences, and to correct, or amend all the disobedient children of the Church; or, that the necessitie of the Church, as it is instituted by Christ to be a spirituall, and not a temporall common-wealth, doth at any time require, that the spirituall Pastours, or Gouvernours thereof must haue authoritie to vse temporall weapons, or which is all one, to inflict temporall punishments: whereupon it evidently followeth that this new Oath, which denyeth this authoritie of the Pope is not repugnant to the law of God.

47 Thus then thou seest, that I haue soundly answered all Mr. Fitzherberts arguments without dissembling the substance, or pith of any one of them, and haue most cleerely shewed, that I haue neither abused him, nor the Reader in those two things, which heere he mentioneth, but that hee hath notably abused mee, and bewrayed his manifest fraude and dissimulation, in falsely relating the supposition, whereon he groundeth his whole Discourse, as I haue at large declared in the first Chapter, and therefore I thinke it neede lesse to repeat heere the same againe.

C H A P. VI.

wherein Mr. Fitzherberts arguments taken from the Law of Nature are confuted: and first it is shewed, in what manner temporall things are by the Law of Nature subordinate to spirituall, and the temporall Common-wealth to the Church of Christ. Secondly, that Religious Priests by the Law of Nature cannot punish temporall Princes temporally, and that in the Law of Nature the civill Societie was supreme and disposed of all things as well concerning Religion as State, and that therefore the new Oath, denying the Popes power to depose Princes, is not repugnant to the Law of Nature. Thirdly, the difference betwixt the directiue and coerciue power, and how temporall things become spirituall is declared, and from thence prooued, that the Church may command, but not inflict temporall punishments, and diuers replies of Mr. Fitzherbert and D. Schulckenius are confuted.

M*y Adversarie, T. F.* a man, as most of our Countrey-men know, vnskillfull in Philosophie, and Schoole-Diuitie, as being sciences, which he hath little studied, hath in this sixt Chapter taken a hard taske vpon him, and which few men, except such as are like to himselfe, would aduenture; but, as our English prouerbe saith, *who is so bold, is blind Bayard*. For he will, forsooth, shew in this Chapter, that he hath effectually prooued in his *Supplement by the law of Nature*, that the Pope hath power to chastise Princes temporally, and consequently that the new Oath of Allegiance, which denyeth the Popes power to depose Princes, is repugnant to the law of Nature. But how vnfoundly he hath prooued this, and that by the law of Nature it may rather be continued, that Religious Priests were subiect to temporall Princes, and might be deposed by them, and that all things both concerning State and Religion, and the publike seruice of God did in the law of Nature depend vpon the authoritie of the temporall common-wealth, you shall anon most cleerely perceiue.

2 First therefore Mr. Fitzherbert setteth downe the words, which he wrote in his *Supplement* in this manner. *It is euident by the light of naturall reason, that in all things, wherein there is any naturall composition or combination, there is a due subordination and subiection of that which is lesse*
perfect

perfect to the more perfect, and of the inferiour to the Superiour, as of the meanes to the end, which is euident in the Hierarchies of Angels, in the Orbes or Spheres in the Elements, in the Powers of the soule, in the Sciences; and (to omit other examples in all naturall Societies of Families, Common-wealths and Kingdomes, in which there is a superiority, and subiection, the lesse perfect being inferiour and subordinate to the more perfect, whereby nature giueth to euery thing the perfection, which is conuenient for it, according to the kind, degree and qualitie thereof, wherein we see, nature tendeth still to greater perfection, passing, and, as it were, moving by degrees from the lowest, and most imperfect creature to man, from man to Angels, and from them to Almighty God, who, as he is the Creatour of all, so also he is the end, consummation and perfection of all, yea perfection it selfe, by whom and in whom all naturall things are consummated and perfected.

3 Here, you see, this man hath brought diuers examples, where in one thing is subiect and subordinate to another, but to what purpose he hath brought them, and how from any one of them he can well deduce, that the Pope hath power to depose Princes by the law of Nature, which is the principall subiect of this Chapter, I cannot any way conceiue. If he had declared in particular, after what manner, and with what kind of subiection these things are subordinated one to the other, euery man of meane vnderstanding would presently haue perceiued the *non sequitur* of all the consequences which can be gathered from those examples. Meanes are subiect, and ordained to the end, for that the ende cannot be obtained without them; will he therefore inferre from hence, that the Pope hath power to depose Princes? The nine Orders of Angels haue a subiection, and subordination of the inferiour to the superiour, for that one is more noble, more potent and more perfect then another, by reason whereof the superiour can illuminate, and moue locally the inferiour, but will he therefore from hence conclude, that the Pope hath power to depose Princes?

4 The celestiall Orbes are inferiour one to another in place magnitude and perfection, as the Sphere of the Moone is the least and lowest of all: and the Planet of the Sunne, although it be placed in the middle Orbe, is the chiefe, and, as it were, the King of all the seuen Planets, and exceedeth them all in magnitude, splendour and actiuitie. The foure Elements also are inferiour one to another in place, magnitude and perfection. Also the powers of the soule haue a kind of subiection one to another; the vnderstanding doth guide and direct, as a teacher or instructour, but the will, as the Mistresse doth command. Likewise all sciences haue some subordination among themselves, and Metaphisicke is in some sort the Mistresse of them all: but wil my *Adversarie* inferre from any of these, that therefore the Pope hath power to depose Princes? Families also are subiect to Incorporations, Incorporations

porations to Cities, Cities to Kingdomes, for that one is included in the other, as a part in the whole; and therefore he that is Superiour or chiefe Gouvernour of the whole, and can dispose thereof, is also Superiour and Gouvernour of every part thereof: But the temporall kingdome, speaking formally and in abstracto, is not a part of the spirituall kingdome, or Church of Christ, nor included therein as a part in the whole, wherefore from hence it cannot be gathered, that spirituall Pastours, who are the Superiours and Gouvernours of this spirituall kingdome, haue authoritie to depose absolute Princes who are the Superiours and Gouvernours of temporall kingdomes, and in temporalls are subiect to none but God. Lastly, man, Angels and all other creatures are subiect to Almighty God, who, as he is the Creatour and Conseruator of all, so he is the end, consummation & perfection of all, but how from hence Mr. Fitzherbert can gather, that therefore the Pope hath power to depose Princes, truly it passeth my vnderstanding to conceiue.

5 Wherefore all that from this Rhetoricall Discourſe of my *Adversarie* can be rightly concluded is this, at the most, that in this world there is nothing to be found, which is not subiect and subordinate to some other thing: and that every thing, which is subiect to another, must be subiect onely in that degree of subiection, wherein the other is Superiour: and therefore that temporall kingdomes, whether they be Heathen or Christian, are in dignitie inferiour & subiect to the spirituall kingdome or Church of Christ, for that spirituall things are in dignitie superiour to temporall: and that Christian Princes being parts and members of the Church of Christ, are subiect to the spirituall Pastours and Gouvernours thereof in spirituals, but not in temporals, for in temporals, Christian Princes themselves are the supreme Gouvernours, and subiect to God alone.

6 But let vs goe on with Mr. Fitzherberts discourse: This being so, sayth he, ^b it is to be considered, that seeing in all common-wealths (I speake of such as are Christian) there is a composition and combination of diuers Societies, all tending to the perfection of mans nature, as of husband and wife, maister and seruant, Prince and subiect (of all which resulteth the ciuill Societie:) and againe, seeing that in this ciuill Societie or Common-wealth there is an Ecclesiasticall Societie eident and distinct in it selfe, by different Magistrates and lawes, whereby the ciuill Societie is vniued with the Celestiall and heavenly Hierarchies, and the members thereof made ciues Sanctorum, & domestici Dei, the citizens of Saints, and the household seruants of God; yea vniued with God himselfe, and consequently made as perfect and happie as man can be in this life, it must needs follow that as the Societie of the husband and the wife, and of the maister and the seruant are ordained for the familie, and againe the familie for the towne and citie, and the citie for the whole common-wealth, euery one of them tending to a [sup]

b) pag 94. n. 3.

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riour and more perfect Societie; join like manner the common-wealth it selfe with all her inferiour Societies are naturally ordained for the religious, and Ecclesiasticall Societie, that is to say, the Church, tending thereto as to the supreme, and most perfect Societie that is on earth, whereby it, and all other Societies are perfected, and humane nature finally aduanced to that supernaturall end, and felicitie, whereto God hath ordained it. And this I suppose is so euident in reason, that no man will deny it; Whereupon it is also further to be inferred, &c.

7 But faire and softly, Good Syr, be not too halty to make more inferences, before you can make good what you haue said already. For your comparison betwixt particular Ciuill Societies, as families, or Oeconomies, Cities, and temporall common-wealths, or kingdomes, and betweene temporall common-wealths or kingdomes, and the spirituall kingdome, or Church of Christ, and also that your consequence and similitude (which you make in these wordes, *It must needs follow, that as the Society of the husband, and the wife, and of the master, and the seruant are ordained for the family, and againe the family for the Towne, and Citie; and the Citie for the whole Common-wealth: So in like manner the Common-wealth it selfe with all her inferiour Societies, are naturally ordained for the Religious, or Ecclesiasticall Societie, that is to say, the Church,* are so far from reason, that no man with reason can approue the said comparison, similitude, and consequence. For the reason, why the Societie of the husband and wife, and of the master, and seruant are ordained for the family, and againe the family for the Towne, and Citie, and the Citie for the whole Common-wealth, is, for that the Societie of man and wife, of master and seruant, are parts and members of the Family, and the Family is a part and member of the Towne and Citie, and the Citie is a part, and member of the whole Common-wealth, or Kingdome, and therefore it must needs follow, that all these particular Ciuill Societies are naturally ordained for the whole Ciuill Common-wealth, or Kingdome, which they compose, as all parts and members are naturally ordained for the whole bodie, which is compounded of them. But no man with reason can affirme, that in like manner the whole Ciuill Common-wealth it selfe, with all the inferiour Societies, or parts thereof, are parts and members of the religious, or Ecclesiasticall Societie, which is the spirituall Kingdome, or Church of Christ. and therefore naturally ordained thereunto. For it is euident that Christ our Sauour, by instituting his spirituall Kingdome, or Church, hath not changed the nature of temporal kingdomes, or ciuill common-wealths, from whence it cleerely followeth that all temporall kingdomes or common-wealths, whether they consist of Christians, or Pagans, haue the same nature, and are naturally ordained to one and the selfe same end, which is a peaceable liuing in humane Societie.

8 True it is, that the same Christian man, as well *Prince*, as *subiect*, is a part and member of the true ciuill common-wealth, and also of the true spirituall, or Ecclesiasticall kingdome, or *Church of Christ*, as also the same Paynim is a part and member of the true ciuill common-wealth, and of a false Religious, or Ecclesiasticall Societie: and the reason heereof I declared more at large aboue in the second part, because either temporal authoritie, & spiritual authoritie, or temporal authoritie, and spiritual subiection, or temporal subiection, & spiritual subiection (to omit spirituall authoritie, and temporall subiection) are vnited & conioyned in one, & the selfe same Christian man; by reason of which vnion and coniunction, the same Christian man is either a temporall *Prince*, and also a spirituall *Prince*, or a temporall *Prince*, and a spirituall *subiect*, or a temporall *subiect*, and also a spirituall *subiect* (to omit now whether the same man may be a spirituall *Prince*, and a temporall *subiect*, for this dependeth vpon that question, whether, and in what manner our Sauour *Christ* hath exempted Clergy men, and especially the *supreme spirituall Pastour* from subiection to temporall *Princes*;) As likewise the same man may be of diuers trades, as a *Musician*, and a *Physician*, the same man may bee Citizen of diuers cities, as of *London*, and *Yorke*, the same man may be a *King* of diuers kingdomes, as of *England* and *Scotland*. But from hence it doth not follow, that the temporall kingdome, or common-wealth it selfe, although the lesse noble, and perfect, must be subiect, or naturally ordained to the spirituall Kingdome or *Church of Christ*, which is the more noble, and perfect Societie. As likewise it doth not follow, that because a man hath two trades, the one more woorthy, the other lesse woorthy, or a citizen of two cities, the one more noble, the other lesse noble, or a *King* of two Kingdomes, the one more excellent, the other lesse excellent, that therefore the lesse worthy, noble, and excellent trade, citie, or kingdome it selfe, must be subiect, and subordained to the more worthy, noble, and excellent trade, citie, or kingdome.

9 But this onely doth follow from the light of true reason, that as the same man, who hath two trades or artes, to wit, of *Musicke* and *Physicke*, or a citizen of two cities, as of *London* and *Yorke*, or a *King* of two kingdomes, as of *England* and *Scotland*, must preferre, *ceteris paribus*, the more noble and excellent, before the lesse noble, and excellent trade, citie, or kingdome; and that as he is a *Musician*, he is to be guided and directed by the rules of *Musicke*, and not of *Physicke*, and as he is a citizen of *London* to be subiect to, and gouerned by the lawes and customes of *London*, and not of *Yorke*, and as hee is *King* of *England* to rule and gouerne according to the lawes, and customes of *England*, and not of *Scotland*, but that therefore *Musicke* must bee subiect to *Physicke*, *Yorke* to *London*, or *Scotland* to *England*, except in worth, dignitie,

dignitie, or nobilitie, or contrariwise, it doth not follow from the light of true reason: So in like manner it doth follow from the light of true reason, that the same man, who is a citizen of the temporall kingdome or common-wealth, by his naturall birth, or ciuill conuersation, and also of the spirituall kingdome, or *Church of Christ*, by Baptisme, or spirituall regeneration, must in temporalls bee subiect onely to the temporall Prince, and be directed and gouerned by temporall authoritie, which doth onely reside in the *temporall Prince*; and in spiritualls must be subiect onely to *spirituall Pastours*, and be directed, and gouerned by spirituall authoritie, which doth onely reside in the *spirituall Pastours* or *Gouernours* of the *Church*. But that the temporall kingdome it selfe, or, which is all one, the *temporall Prince*, as hee hath temporall authoritie, or as hee is a *temporall Prince*, must bee subiect to the spirituall kingdome, or, which is all one, to *spirituall Pastours*, as they haue spirituall authoritie, but onely, as the *temporall Prince* hath spirituall subiection, this cannot be inferred from the light of true reason. But Mr. *Fitzherbert*, forsooth, supposeth this to bee so euident in reason, that no man will deny it, to wit, that the temporall common-wealth it selfe is subiect and subordinated to the Ecclesiasticall Society, and naturally ordained to her, whereas in the *Second part* of this Treatise I haue at large against Card. *Bellarmino*, and D. *Schulckenius* confuted the same, and out of their owne grounds cleerely prooued, that there is no such vnion, subiection, or naturall ordination of temporall common-wealths to the spirituall kingdome, or *Church of Christ*, as they pretend, but that temporall kingdomes, and the spirituall kingdome of *Christ* doe make two totall bodies or common-wealths, supreme, and independent one vpon the other in those things which are proper to either of them, to wit, that temporall kingdomes are supreme in temporalls, and consequently not subiect therein to the *Church of Christ*, or the *Pastours* thereof, and the *Church* supreme in spiritualls, and not subiect to temporall kingdomes, or the supreme *Gouernours* thereof.

10 Now let vs see, what Mr. *Fitzherbert* inferreth from the premises. Whereupon, saith he, *it is also further to be inferred, that as all Common-wealths are subordinate, and subiect to the Church: so also the heads of them all (I mean the temporall Princes that gouerne them) are subordinate, and subiect to the head of the Church. For, although they be absolute heads of the States which they gouerne in things pertaining only to their temporall States, yet they are but members of the mysticall body of Christ, which is the Church, and therefore no lesse subiect to the visible head thereof, in matters belonging thereto, then their owne proper Vassalls are subiect to them: and therefore as the King, or Ciuill Magistrate iustly correcteth the head of any familie, when he passeth the limits, and bounds of true*

Oeconomy

c Page 35. line 4.

Oeconomie, to the hurt of the Common-wealth (though neuertheless a familie is a distinct Societie from a Common-wealth, having a peculiar end, with different lawes, and manner of government) so the head of the Church may correct any King, or Ciuill Magistrate, when he doth any thing to the prejudice of the Church.

pag. 96. num. 3.

11 For although the spirituall Prince, or Magistrate haue no dominion ouer temporall States, and the Governours thereof in matters appertaining only, and meere to State (no more then the temporall Prince hath to doe with private families in matters that belong only thereto) yet as the temporall Prince may giue lawes to a familie, or to the head thereof, when the necessity of the Common-wealth shall require it; so also the Ecclesiasticall Prince, or head of the Church, may giue lawes to temporall Common-wealths, and the Governour thereof, according to the urgent necessity of the Church; the publique good whereof is to be preferred before the particular good of any temporall Prince, or Common-wealth, by the same reason, and law of Nature, that the good of the soule is to be preferred before the good of the body, spirituall good before temporall, heauen before earth, and the seruice of GOD before the seruice of any man, or of all the men in the world.

pag. 95. num. 4.

12 But first although it be true, that Christian Princes, who are the absolute heads of the temporall States, or kingdomes, which they gouerne, being also parts, and members of the mysticall body, or spirituall kingdome of *Christ*, which is the Church, are consequently subiect in things belonging to the Church, to wit in spirituall matters to the visible Pastours, Governours, or heads thereof, yet it is not true, that temporall kingdomes, or common-wealths themselues, being taken properly, formally, and in abstracto, are either parts, and members of the spirituall kingdome, or Church of *Christ*, or subiect, and subordinated to the Church, or the visible heads thereof; for then it must needs follow, that temporall Princes, not only as they are Christians, & in spirituall matters, but also as they are temporall Princes, and in temporall things are subiect to the visible heads, or Governours of the Church, which is cleerely repugnant to, Mr. Fitzherberts owne words in that place, who affirmeth, that temporall Princes are absolute heads of the States which they gouerne in things pertaining only to their temporall States, and consequently in them they cannot be subordinate and subiect to the visible heads of the Church.

13 Wherefore that comparison, which he maketh heere, and is the chiefe ground of his Discourse, betwixt families, cities, and kingdomes, or ciuill common-wealths, and betwixt ciuill common-wealths, or kingdomes, and the spirituall kingdome, or Church of *Christ*, is no fit comparison, and therefore neither can the Discourse, which is grounded thereon, be sound and sufficient. For families, and cities, being taken properly, formally, and in abstracto, are parts, and members of the

the whole kingdome, or common-wealth; and consequently subordinate, and subject to the kingdome, and absolute heads thereof, seeing that they are particular ciuill Societies, and consequently subject to the whole ciuill Societie, or common-wealth, as euery part is to the whole body, and to the chiefe head thereof: but temporall kingdomes or common-wealths, being taken *formally*, and in *abstracto*, are not parts and members of the spirituall kingdome, or *Church of Christ*, vnlesse we will hold with the Canonists, that the *Church of Christ* is compounded both of spirituall, and ciuill power, and that the *Pope* is both a temporall, and spirituall Monarch of the whole Christian world. And therefore although it be true, that *spirituall Pastours* haue nothing to doe in matters *meerely* temporall, and which belong to ciuill government, yet it is not true, that *temporall Princes* haue not to doe with priuate families, and cities in matters that belong to the ciuill government of them; for that priuate families, and cities are true parts, and members of the whole ciuill common-wealth, or kingdome, and I hope that the *Prince*, who hath to doe with the whole kingdome, and government thereof, hath also to doe with the government of euery part thereof.

14 *Secondly*, no man maketh any doubt, but that the spirituall Pastours, and Gouvernours of the *Church* may correct any *King*, or ciuill Magistrate, when hee doth any thing to the preiudice of the *Church*: and that they may giue lawes to the Gouvernours of temporall common-wealths according to the vrgent necessitie of the *Church*; and also that the publike good of the *Church* is to be preferred before the particular good of any temporall *Prince*, or common-wealth; But all the difficultie consisteth in these points: *first*, whether authoritie to correct malefactours by the inflicting of temporall punishments, as death, exile, imprisonment, priuation of goods &c. hath by the institution of *Christ* beene communicated to the *spirituall Pastours* of the *Church*, or was least only to *temporall Princes*, and the supreme Gouvernours of temporall common-wealths: *Secondly*, whether *spirituall Pastours* may giue lawes to *temporall Princes*, I doe not say, as they are Christians, and haue spirituall subiection, and are parts and members of the spirituall kingdome, or *Church of Christ*, for of this no Catholike maketh doubt, but to temporall kingdomes, or common-wealths, being taken *formally*, and in *abstracto*, or, which is all one, to *temporall Princes*, not as they are Christians, and haue spirituall subiection, but as they are *temporall Princes*, and haue supreme temporall power, which doth only reside in them, and not in *spirituall Pastours*.

15 *Thirdly*, whether the particular, or publike good of *temporall Princes*, or common-wealths, is to be preferred before the particular, or publike good of the *Church*, for that the temporall, and spirituall power

power doe make one totall body, or common-wealth, which is the *Church*, as Card. *Bellarmino* contendeth, in which totall body, the temporall common-wealth is *per se*, and naturally subordained, and subiect to the *Church*, or spirituall kingdome of *Christ*; or whether the spirituall good is to be preferred before the temporall by all Christians both *Princes*, and subiects, for that euery man, who is a part, and member of two cities, or common-wealths, the one more noble, and excellent then the other, is by the order of charitie bound to preferre *ceteris paribus* the more noble, and excellent citie, or common-wealth, and the good thereof, before the lesse noble and excellent city, or common-wealth, and the good of it. These be the chiefe heads of this controuerſie concerning the vnion and subordination of temporall kingdomes, or common-wealths among Christians, and the spirituall kingdome or *Church* of *Christ*, whereof I haue at large debated in the second part, where the Reader may see all these points distinctly handled against Card. *Bellarmino*, and D. *Schulckenius*, and also touching all that which M^r. *Fitzherbert* doth confusedly discourse in this Chapter concerning the vnion, and subordination of temporall kingdomes, and the *Church* of *Christ*. And therefore remitting the Reader to my former Treatise, where he may cleerely see, in what manner the temporall, and spirituall power, or the temporall and spirituall common-wealth are vnited, and subordained, let vs see, what M^r. *Fitzherbert* would at length conclude:

d Pag. 96. m. 6

16 *Whereupon I conclude*, saith he, ^d *that seeing this Oath vnquestion is (as I haue proued by the law of God) preiudiciall to the power, and iurisdiction of the head of the Church, to whom all Christian Princes are subiect (euen by the law of Nature) it followeth, that the said Oath is no leſt unlawfull, vniust, and repugnant to nature, then if a husband should exact the like Oath of his wife, or a Maister of his seruant, or the father of his children (I meane an Oath which should derogate from the power, and authoritie of their temporall Prince.) As for example, if a head of a family should bind his wife and children to defend him from the correction of his lawfull Prince, when occasion should require, I thinke no man will be so absurd to say, that it is a lawfull Oath, and correspondent to nature, though the same should be coloured, and shadowed neuer so much with pretence of Oeconomicall, and filiall discipline, and dutie. And no more can the other Oath be lawfull, and agreeable to Nature, though it be neuer so much coloured with respect of temporall allegiance.*

17 But first obserue, I pray you, the egregious shuffling of this man. For he pretended to prooue in this Chapter, by the law of Nature, that the Pope hath power to inflict temporall punishments, and to punish temporall *Princes* temporally, and that therefore the new Oath, which denieth this power to be in the Pope, is repugnant to the law of Nature:

Nature: And therefore I expected, that he would haue brought some effectual argument taken from the *law of nature*, abstracting frō the positive law of *God*, to confirme this power of the *Pope*, to inflict temporall punishments, and to punish temporall *Princes* temporally; and consequently that this *Oath* is by the *law of Nature* preiudiciall to the coerciue authoritie of spirituall Pastours. But now he flyeth from the *law of Nature* to the *law of God* to prooue, that the *Oath* is preiudiciall to the power and iurisdiction of the head of the Church: and supposing, that he hath proued this by the *law of God*, then it followeth, saith he, that the said *Oath* is no lesse vnlawfull, vniust, and repugnant to *Nature*, then if a husband should exact of his wife, a maister of his seruant, a father of his children an *Oath*, which should derogate from the power, and authoritie of their temporall Prince. So that Mr. Fitzherbert doth only conclude heere, that the *Oath* is vnlawfull, vniust, and repugnant to *Nature*, supposing that it is by the *law of God* preiudiciall to the power, and iurisdiction of the head of the Church.

18 Secondly therefore, although we should suppose heere with Mr. Fitzherbert, that this new *Oath* is repugnant to the *law of God*, as in very deede it is not, yet he cannot therefore rightly conclude; that it is also repugnant to the *law of Nature*, which he in this Chapter pretendeth to proue, for that euery transgression of the positive law, or institution of almighty *God* is vnlawfull, and yet not repugnant to the *law of Nature*: whereupon the Diuines doe deuide the *law of God* into the diuine naturall and the diuine positive law: and he that should deny, that the spirituall Pastours of the Church of *Christ* haue authoritie to remit sinnes, should contradict the *law of God* in the new Testament, and so this deniall of Priestly authoritie to forgive sinnes is repugnant to the *law of God*, and preiudiciall to the power, and iurisdiction of spirituall Pastours, and yet it doth not from thence follow, that it is repugnant to the *law of Nature*, which is naturally grafted in the hearts of euery man, whether hee be Iew, or Gentile, infidell, or Christian, as the *law of Nature*, is by my Aduersaries taken heere? Wherefore Mr. Fitzherbert concluding heere, that the *Oath* is repugnant to the *law of Nature*, for that it is preiudiciall to the power, and iurisdiction given by the *law of Christ* to the head of the Church, seemeth not to vnderstand himselfe, what is the *law of Nature*, and how the *law of Nature* is distinguished from the positive law of *God*. But of this *law of Nature* more beneath, where also you shall see the reason; wherefore the obedience in general, which a wife oweth to her husband, a seruant to his Maister, and children to their parents is not properly naturall, but ciuill, and yet the obedience in general, which subjects owe to their temporall Prince, is not only called ciuill, but also naturall allegiance.

19 But thirdly it is not true, that this *Oath* now in question is repugnant

e Num. 30. &
seq. and in the
next chap.

repugnant to the law of God, and prejudiciall to the power and jurisdiction of the head of the Church, for that it denyeth the Popes power to depose Soueraigne Princes, and to inflict temporall punishments: neither hath Mr. Fitzherbert prooued by the law of God, that the Pope hath any such power, as you haue seene at large in the former Chapter: and to say, that this Oath is repugnant to the law of nature (taking the law of nature, as it is distinguished from the positive law of God, or man, and is nothing else, then the *dilectum* or prescript of true reason concerning things to be done, which either supposeth diuine reuelation, and the supernaturall light of faith, and is proper onely to true believers, and it is called by the Diuines the *supernaturall law of nature*, *supernaturall*, I say, to man, but *connaturall* to grace and faith which it supposeth; or else supposeth onely *naturall knowledge*, and is common to all men indued with naturall reason, and is called properly, and absolutely the *naturall law*, for that it is *connaturall* to euery reasonable man) is very vntrue, as partly I haue shewed in the former Chapter, where I haue answered all my *Aduersaries* arguments grounded vpon diuine reuelation; and partly in this, and the two next ensuing Chapters I will more cleerely conuince. Now let vs goe on with the rest of his Discourse.

§ P. 13. 97. nu.
7.8.

20 For as no reason, sayth he, ^f of Oeconomie, or filiall, or coniugal dutie, holdeth, when it is encountred with the respect of the weale publike, or of due obedience to a lawfull Soueraigne; So neither can any reason of common-wealth, or allegiance to temporall Princes enuerweigh, when the same is ballanced with the publike good of the Church of Christ, whereto all temporall Princes doe owe more respect, duty and subiection (euen by the law of Nature) then their Vassalls and subiects owe to them, because the Religion, or Ecclesiasticall Societie, which is the Church, is (as I haue said) the supreme and most worthie Societie of all other on earth. In which respect all Societies inferiour to the Common-wealth, yea euery member thereof, haue more obligation, & owe more dutie to the Church, which is the highest Societie, then to the Common-wealth, or any other, whereto they are immediately subordinate, as it may also be obserued in humane actions, which tend finally to Religion, as to their last end; for euery humane action ought to be more specially directed to Religion, that is to say, to the worship and seruice of God, then to any other inferiour action, whereto it may haue a more immediate relation.

Plato in Timæo
& in Epinimide.

21 In which respect the Philosophers themselves, being guided by the law of Nature, and light of reason, placed the end, not onely of mens actions, but also of euery man, and of the Common-wealth it selfe in Religion; he cause (as Plato, and all the Platonists reach) man being made to the Image of God, and capable of the knowledge of him, was principally ordained to worship and serue him; and therefore for as much, as whatsoever one man doeth

can sufficiently performe the worship of God (which is due to him from all mankind) neither yet many men together, if they should live without Lawes, and Magistrates (for multitude without order would breed confusion) therefore Nature hath inclined men to civill Societie, that is to say, to live in common-wealths, to the end that many men living together in communitie, may the better discharge their duty to God, in yeelding him the due worship and service that all mankind oweth him. Whereby the Philosophers evidently saw, that the common-wealth was not onely necessary to the perfection of Religion, but also naturally ordained, and referred thereto, as to the end thereof (I meane not the next, and immediate end of the common-wealth, which is temporall tranquillitie, commoditie and sufficiency, but the last end whereto all temporall commodities are referred. Whereupon two consequents follow directly, &c.)

See Marfil.
Ficin in argum.
Dial. 1. Plat.
de Rep.

22 But what is all this, I pray you, to the purpose? Who maketh any doubt, that the publike spirituall good of the Church is to bee preferred before the publike temporall good of any temporall common-wealth; and that the Church of Christ is the highest Societie in worth, dignitie, and excellencie of all other on earth; and that every Christian man oweth more dutie to the Church of Christ, as being the highest and most excellent Societie, to which hee is immediately subiect in spiritualls, then vnto any other civill common-wealth to which he is immediately subiect in temporalls? and that every humane action ought to be more specially directed, and referred to the worship and service of God, then to any other inferiour action, whereto it may have a more immediate relation: and finally, that the Philosophers themselves, as Plato, and the Platonists, guided by the law of Nature, or light of naturall reason, thought that man was principally ordained to worship and serve God, and therefore placed the ende not onely of mens actions, but also of every man, and of the common-wealth it selfe, in Religion or the service and worship of God: and that Nature hath inclined men to live in civill Societie, to the end that many men living together orderly, and guided by Lawes, and Magistrates, may the better discharge their dutie to God, in yeelding him due worship and service, that all mankind oweth him? All this is conforme to the doctrine which I maintaine, and prooveth, that the Religious Societie is more noble, excellent, and woorthy, then the civill or temporall Societie; and that in spiritualls, it hath supreme authoritie; but it doth not proove, that the Religious Societie is superiour in temporall authoritie to the temporall common-wealth, or that it hath authoritie to depose temporall Princes, or to inflict temporall, but onely spirituall punishments.

23 Neuerthelesse I would desire the Reader to observe some things concerning this Discourse of my Adversary. The first is concerning

g In Append.
confr. 4. SUAR.
part. 1. sec. 8.
NUM. 12.

ning filiall dutie, and the same may be proportionally applied to conjugall. For, as I obserued else where, & there be two bonds or obligations, wherein children stand bound to their parents; the one is *natural*, and proceedeth from the *law of Nature*, whereby children are bound to honour, and reuerence their parents: and this bond no humane power can take away, or release, neither can this dutifull respect, which children by the *law of Nature* owe to their parents at any time encounter with any *obedience*, which is due to temporall *Princes*: The other *Ciuill*, which dependeth vpon the positieue lawes of temporall *Princes*, whereby Parents are made Tutors, guardians, and gouernours of their children: and this power, which Parents haue ouer their children, is greater, or lesser according to the lawes and customes of euery kingdom: and as it dependeth wholly vpon the *ciuill power*, so it may be increased, diminished, or quite taken away by the supreme *ciuill power*: and this *ciuill* duty, or obedience, which children owe to their Parents, doth not hold, when it encountreth with the respect, dutie, or obedience, which they owe to their supreme temporall *Prince*.

24 The *second* is, that temporall allegiance, or obedience, which is due to temporall *Princes*, if wee will speake *properly*, can neuer encounter with that spirituall obedience, which is due to spirituall *Pastours*. For if a temporall *Prince* doth commaund any thing, which is against the seruice, or worship due to God, and consequently against Religion, to obey him in this case is not temporall allegiance, for that the *Prince* hath not authoritie to command any such thing; and where there is no authority to command, there is no obedience due, because, according to the doctrine of all Diuines, obligation to obey, and authoritie to command are *correlatives*, and doe depend one vpon the other: and therefore true temporall allegiance can neuer encounter with true spirituall obedience, and bee preiudiciall thereto, nor contrariwise.

25 The *third* is, that although some Heathen *Philosophers* by the light of naturall reason did euidently see, that the worship, and seruice of God, as hee is the Authour, and end of Nature, and of all naturall things, is to be preferred before any temporall tranquillitie, or commoditie, and that therefore euery man both *Prince*, and *subject* by the light of naturall reason ought to referre all their actions to the honour, and seruice of God, and to that happines, which according to naturall reason doth follow the worship, and seruice of God, and is the last end of man, although not the last end of all humane actions, yet no Heathen *Philosopher* by the light of naturall reason did or could see, that the temporall common-wealth it selfe, *formally* and *in abstracto*, as it consisteth of temporall power, is *per se* *intrinsically*, or *naturally* ordained, or referred, but only *per accidens*, and by the intention of man, to that happines,

pinesse, which is the end of Religion, and followeth the worship and seruice of God, although man himselfe, in whom temporall power doth reside, ought by the light of nature ordaine, and referre the vse of his temporall power, and all his other actions to that blisse, happinesse, and felicitie, which is the last end of man, and the immediate end of the worship, and seruice of God. But of this I haue treated more at large aboue in the *Second part*, where I haue answered all the arguments, which Cardinall Bellarmine, and D. Schuckgenius haue brought to prooue, that the *temporall power is selfe* among Christians *is per se*, and *intrinsecally* and not only by the intention of man ordained, and referred to eueralsting happinesse.

26 Now you shall see, what Mr. Fitzherbert concludeth from his former Discourse: *Wherupon* saith he, ^h *two consequents follow directly, according to Philosophie, the one, that Religion is farre more noble, and worthie, then the Common-wealth (because the end doth farre excell the meanes that tend thereto) and the other, that the Ecclesiasticall Societie, (which of all Societies doth next approach to GOD, and vnite them with him) is the most excellent, and worthie of all: and therefore as Aristotle* ^{h pag. 99. m. 9. & 100.} *worthily called Metaphysicke the Mistrresse, and Goddesse (because it immediately considereth the sciences of all things, which is God) so may we call the Religious, or Ecclesiasticall Societie, the Mistrresse, Lady, Empreffe, and Goddesse of all Common-wealths, and all other Societies, because it is properly, and immediately dedicated to the seruice of GOD, as also because Common-wealths, and other Societies cannot performe their ducie to GOD, nor arrive to perfect felicitie, but by the meanes of the Ecclesiasticall Societie.* ^{Arif. 1. 1. Met.}

27 *And this is so certaine, and euident, that no Philosopher, or learned Paynim would deny it, as it may appeare by the institution, and customes of the best Common-wealths among the Paynims; in the which the Religious Societie had the preheminance aboue the Common-wealth, in all things that any way appertained to Religion, as I will make it manifest heereafter when I shall speake of the law of Nations: and now only for the present I wish to be obserued, that in the Roman Common-wealth, the chiefe Bishop, who was called Pontifex Maximus, had supreme authoritie in matters pertaining not only to Religion, but also to State, when the same was mixed with Religion, in which case he commanded the Consuls themselves, who were the Soueraigne temporall Magistrates. This appeareth in Valerius Maxi-* ^{Valer. 1. 1. 1.} *mus, who testifieth, that Posthumus the Consull being a Priest of the God Mars, and intending to goe to Africke with his army, was forced by Metellus the chiefe Bishop to stay his iourney, to attend to his Priestly function: and therefore Cicero saith, that it was most notably, and diuinely ordained by the ancient Romans, that the Bishops should haue the chiefe command in matters that pertained as well to the Common-wealth, as to the* ^{Cicero pro domo sua.}

Cicero de la-
gib. lib. 1. 2.

Cicero de Di-
vinat. lib. 2.

the Religion of the Gods. And no mervail, seeing that the Augures, who were inferior to the Bishops, had such absolute authoritie, that they might hinder the election of Officers, deprive the Magistrates of their Office, and forbid the Senate to treat with the people; in so much that nothing lawfully done by any Magistrate at home, or abroad, if he were contradicted by them; and which is more the two Consuls, P. Claudius, and Lucius Junius were condemned to death for disobeying them.

28 Whereby it appeareth, that although the Augures, and Pontifices Maximi had no authoritie over the temporall Magistrates in matters merely temporall, yet when consideration of Religion entered together with temporall affaires, the temporall Magistrate was corrected, and commanded by the spirituall, as occasion required. And this I say, was the custome of the Romans, because, no doubt, they held it to be most conforme to the law of Nature: in which respect I may boldly say, that if an Oath had beene propounded amongst them, to have exempted their Consuls, and other temporall Magistrates from the command, and correction of the chiefe Bishop (notwithstanding any occasion of religion, which might occurre) they would not have admitted it as lawfull. And this is our very case. Thus I said in my Supplement, and then I concluded concerning the pretended Oath of allegiance, speaking to M. Barlow in these words. And thus you see M. Barlow, that the Law of Nature is so farre from enioyning, and iustifying the Oath (as you say it doeth) that it viterly reiecteth, and condemneth it, except you can turne the world upside downe, and pervert the whole course of nature, and proove, that things lesse perfect are to be preferred before the more perfect the body before the soule; sense before reason, temporall things before spiritual, pollicie before religion, earth before heauen, and the world before God, where- to in very truth your doctrine in this point directly tendeth.

29 (But these two consequents, which Mr. Fitzherbert deduceth from his last Discourse, are neither against my doctrine, nor doe they any way prooue the new Oath of Allegiance to be repugnant to the Law of Nature. For, as I saide before, I doe willingly grant, that Religion, and the seruice of God, and perfect felicitie, which is the immediate end thereof, is farre more noble, and more worthie, then the temporall good, or immediate end of any temporall Common-wealth, which is his first consequent; and also, which is his second, that the Religious, or Ecclesiasticall Societie, is the most excellent, and worthie of all, and may in some sort be called the Mistresse, Lady, Empreffe, and Goddesse of all Common-wealths, and Societies, because it is properly, and immediately dedicated to the seruice of God, as also because temporall Common-wealths, and other Societies cannot performe their dutie to God, nor arriue to perfect felicitie, but by the meanes of the Ecclesiasticall Societie: But shee is not called the Mistresse, Lady, Empreffe, and Goddesse of temporall Common-wealths,

wealths, for that thee can doe all the actions, functions, and offices of them, and inflict the same temporall punishments, that temporall Common-wealths can inflict, but only for that thee can doe more noble, and more worthie actions, functions, and offices, and inflict more grievous, and more dreadfull punishments, to wit, spirituall, agreeable to the nature, and conditions of a spirituall Common-wealth, and a Religious, or Ecclesiasticall Societie.

30 Secondly, I doe also willingly graunt, that amongst the *Paynims*, and ancient *Romanes*, not onely the chiefe *Bishop*, who was called *Pontifex Maximus*, and had the supreamie authoritie in matters belonging to Religion or to the service of their *Gods*, but also the *Augures*, or *Soothsayers*, who were *Priests* inferiour to the chiefe *Bishop* had great authoritie, and command in matters belonging to temporall affaires, in so much, that the yong chickens of certaine birds, called *pulli Melici*, and *Chalcidici*, were held in such honour, and estimation among them, that they would keepe no assemblies, they would promote none to any office, or dignitie, they would neither make warre, nor truce, and finally neither at home, nor abroad would they vndertake any enterprize, vnlesse they were foretold by those yong birds, whose prediction they did regard as an oracle, and message sent from *Iupiter*, whose messengers, and interpreters they accounted those birds to be. The particular manner whereof you may see in *Alexander ab Alexandro* lib. 1. cap. 29. But from hence it doeth not follow, that those chiefe *Bishops*, as they were religious *Priests*, had authoritie giuen them by the law of Nature, but onely by the free grant of the temporall Common-wealth, to punish temporally any man that should transgresse their commaund, or other wise violate the religion of their *Gods*.

31 Thirdly therefore although it be true, that the ancient *Romans*, and other *Paynims* did preferre Religion, and the worship of their *Gods* before any other temporall thing, and in regard thereof, when any thing was to be handled in the *Senate*, that which concerned Religion was first of all dispatched, whereupon also they gaue great temporall authoritie, honour, priuiledges, and exemption especially to their chiefe *Priest*, or *Bishop*, to whom all other inferiour *Priests*, as the *Flamines*, the *Salij*, the *Augures*, the *Epulones*, the *Aruales*, the *Vestales*, yea and he, that was called *Rex sacrorum*, the King of sacred things, were subiect; in so much that the dignitie of the chiefe *Bishop* was accounted the second in the Common-wealth, and the next to Kingly dignitie; and many times the same man was both a Religious *Priest*, and also a temporall Magistrate, as *Q Fabius Maximus* was an *Augure*, and a *Consull* *M. Emilius Lepidus* was *Proconsull*, and chiefe *Bishop*: Neuerthelesse it is not true, that the chiefe *Bishop* had any temporall authoritie euen

ouer the inferiour *Priests*, as necessarily due to him by the *law of nature*, but onely from the free grant of the temporall Common-wealth, or the supreme *Gouernours* thereof. And therefore at some times the *chiefe Bishops* had greater temporall authoritie, as in the beginning when the *Romanes* were gouerned by *Kings*, in whom both *Regall* and *Pontificall* authoritie were conioyned, and by whom as being both *Kings* and *chiefe Bishops*, all matters as well concerning State, as Religion were determined and executed: at some times they had lesse, as afterwards, when they had put downe their *Kings*, for that they beganne to tyrannize ouer them, and were gouerned by the *Senate*, and *two Consuls*, who at the first were chosen out of the Nobilitie, but afterwards at the instance of the people, the *Senate* was forced to graunt, that they might be chosen also out of the communaltie; which *Consuls* least they should challenge to themselves *Kingly* authoritie could put no Citizen to death without the consent of the people.

Alexand. lib.
3. genial. diu.
cap. 3. & Sa-
bellicus lib. 2.
Enead. 4.
Alexand. ibi-
dem & lib. 1.
cap. 27.
Alexand. lib.
3. cap. 27.

32 For to the ende that the *Kingly* name, which was by the *Romanes* fortunately begunne, and for many yeeres happily continued, should still remaine, and also that the *Priestly* authoritie, which the *Kings* had, should not be abolished, they did create a *King*, whom they called *Rex sacrorum*, a *King of sacred things*, who had onely the name of a *King* without *Regall* authoritie, and should performe the sacred rites and ceremonies belonging to Religion, which the former *Kings* did performe. Which *King of sacred things* by reason of the odious and suspected name and authoritie of a *King*, could haue no authoritie or command ouer the armie and legions, nor beare any office, or haue any temporall gouernment ouer the people: but his power and authoritie was limited to Religion, and contained onely within the temples of the Gods. And this *King of sacred things* was subiect to the *chiefe Bishop*, as all other *Priests* were, who as they were *Priests*, had onely to intermeddle in sacred things, but afterwards they had also great temporall authoritie granted them by the *Senate* and people. For the *chiefe Priests* or *Bishops* had not onely power giuen them to punish with pecuniarie mulcts the inferiour *Priests*, who should disobey their command, but also they were made *Consuls*, *Captaines* and *chiefe Magistrates* in the Common-wealth. But all this temporall authoritie of the religious *Priests* did proceed from the free grant of the temporall Common-wealth, and not as necessarily due to them by the *law of Nature*, which those words of *Cicero* cited by my *Adversarie* doe onely confirme, to wit, that it was notably and diuinely ordained, that the *Bishops* should haue a *chiefe command* in matters that appertained as well to the Common-wealth, as to the religion of the Gods.

33 But that the temporall Magistrate, sayth Mr. Fitzherbert, was
com.

commanded and corrected, he meaneth with temporall punishments, *as occasion required, by the spirituall, was the custome of the Romans, because, no doubt, they held it to be most conforme to the law of Nature.* But first, those words [*to be most conforme to the law of Nature*] are equiuocall, and may haue a double signification. For as euery law, for as much as concerneth the *direktive* power or forcethereof (for the *coercive* power or force of euery law consisteth meerly in punishing) hath one of these three effects, to *command*, to *forbid*, to *permis* or graunt some thing, so the *law of Nature*, as it is *direktive*, may betaken, either as it *commandeth*, or as it *forbiddeth*, or as it *permitteth* or granteth some thing. If therefore my *Aduersaries* meaning be to signifie by those words, that the *law of Nature* *commandeth* the spirituall Magistrate, or giueth him authoritie, as he is a spirituall person, to punish the temporall Magistrate transgressing his commandement with temporall punishments, & that in this sense the *custome of the Romans was conforme to the law of Nature*, this, I say, is very vntrue, neither can he bring any colour of a probable prooofe to confirme the same. Nay which is more, he can not prooue, as you shall see beneath, that the *law of Nature* gaue to Religious *Priests*, as they were such, authoritie to command in spirituall, or to punish with spirituall punishments the supreme temporall Magistrate, for that standing in the *law of nature*, there is no publike spirituall authoritie, which is not subiect and subordinate to the temporall Common-wealth, and the supreme Gouvernours thereof.

34 But if he meane, that the *law of nature*, or the light and dictamen of naturall reason doth not *forbid*, but doth *permis* that temporall Princes or Common-wealths may giue authoritie to those Religious *Priests*, whom they shall appoint to be in their steed publike Ministers of sacred rites, to punish with temporall punishments those that shall contemne their iust command, and that in this sense the *custome of the Romanes* giuing authoritie to their Religious *Priests* to inflict temporall punishments was *conforme*, that is, was not *repugnant* to the *law of nature*, but agreeable thereunto as a laudable and decent custome, but not as necessarily enioyned by the *law of nature*, this is very true, but not to the purpose; for that, which my *Aduersarie* pretendeth to prooue, is that Religious *Priests* haue by the *law of nature*, and not onely by the free graunt of temporall *Princes* or Common-wealths authoritie to inflict temporall punishments, which neuertheless he will neuer be able to prooue by any probable argument, or any probable shew thereof.

35 Thirdly therefore for the better cleering of the whole matter, the Reader may obserue out of learned *Abulenſis*, that there is a great difference betwixt the *Priests* of the *old law*, & of the *new*, & the *Priests*, that were in the *law of nature*. For in the *law of nature*, before the law of God

*Abulenſ. in
cap. 13. Gen. 9.
8. & ſeq.*

" was published by *Moyſes*, we may cōſider euery man either by himſelfe,
 " or as he was a part of ſome communitie: If he be conſidered by him-
 " ſelfe, and as dwelling alone in no Societie, it was lawfull for euery man
 " to offer ſacrifice to *God* of whatſoeuer was his owne, in what maner he
 " would, and in what place he would becauſe it was not by any law for-
 " bidden any man to doe theſe things: For to offer ſacrifice in the honour
 " of *God* was of it ſelfe a good and commendable act, and it was forbid-
 " den no man, and therefore it was lawfull for euery man. So that in
 " the *law of nature* euery man being conſidered by himſelfe was a *Prieſt*
 " in this ſenſe, that he might lawfully offer ſacrifice in the honour of
 " *God*, of what thing, in what manner, and in what place he would. But
 " if man be conſidered, as he was a part of ſome communitie, and as li-
 " uing in ciuill Societie it was farre otherwiſe. For euery ciuill Com-
 " munitie had certaine rites and ceremonies for the worſhipping either
 " of the true, or of falſe *Gods*; and in the name, and by the authoritie of
 " the whole communitie there were done religious rites and ceremo-
 " nies in honour of that *God*, which that communitie profefſed to be
 " *God*. And becauſe one particular act could not be done by the whole
 " communitie, the communitie appointed certaine Miniſters, who in the
 " name and place of the whole communitie ſhould doe theſe acts. And
 " theſe *Miniſters*, for as much as concerned the doing of holy rites, were
 " commonly called *Prieſts*: and ſo ſome certaine men onely were ap-
 " pointed *Prieſts*, and all men were not *Prieſts*; and to theſe *Prieſts* on-
 " ly it belonged to doe thoſe Sacrifices in the name, and by the authori-
 " tie of the whole communitie. And this cuſtome was among all Na-
 " tions, both Iewes and Gentiles before the law of *God* was giuen to
 " *Moyſes*, and ſo among all Nations there were ſome perſons ſpecial-
 " ly appointed *Prieſts* by the communitie, and all men were not
 " *Prieſts*.

" 36 But after the law was written, and deliuered by *Moyſes* to
 " the *Iſraelites*, both the place where ſacrifices were to be offered, and
 " the Miniſters which were to offer, and alſo the ſacrifices which were to
 " be offered, and the manner of offering them were limited, and deter-
 " mined by *God* himſelfe. Concerning the place there were two limi-
 " tations. The *firſt* was, that Sacrifices ſhould not bee offered in many
 " places; the *ſecond*, that they ſhould not be offered in many *Altars*. Of
 " the *firſt* we may ſee in *Deuteron*. Chap. 12. & 16. where it is ſaid, that the
 " *Iſraelites* ſhould not offer ſacrifice in euery place, but onely in that place,
 " which *God* ſhould chooſe to put his name there. And this was onely one
 " City, although it was not alwaies the ſame. For the *Iſraelites* had a
 " *Sanctuary*, which by *Gods* commandement *Moyſes* made in the deſert,
 " and this was placed in one Citie, and this Citie was that which *God*
 " did chooſe to place there his Sanctuary, as it was firſt in *Silo*, then in

Nobe

Nobe, afterwards in *Gabaon*, and lastly in *Hierusalem*: and onely in that Citie it was lawfull for the Iewes to offer sacrifices, and not in other places, nor in the fields, because then they should be accounted Idolaters, *Leuit. Chap. 17.*

37 The second limitation was, that they should not doe sacrifices in many *Altars*. For albeit there was but one onely City, where Sacrifices could be offered, yet it might bee thought, that there were many *Altars* vpon which they might be offered, especially for that all *Israel* came sometimes to that place to offer sacrifices; and yet it was not so. For there was one onely *Altar*, vpon which all things were burned, and blood was offered. And this *Altar* was not made by any of them that did offer sacrifice, but it was that *Altar*, which *Moyse* made in the desert after the manner and forme that *God* himselfe did describe vnto him, *Exod. 27.* and it was called the *Altar* of *Holocaust*, *Exod. 38.* Besides, it was not lawfull to offer sacrifice in euery part of the City, but only within the *Sanctuary*, which remained firme in one part of the City; and moreouer within the *Sanctuary* Sacrifice was not offered in euery place, but onely vpon the *Altar* of *Holocaust*, which was placed without the doore of the *Tabernacle*, and to offer Sacrifice in another place it was vnlawfull, *Leuit. 17.* and *Iosue 22.* Nevertheless in the same *Sanctuary* there were two *Altars*. The one was called of *Holocausts*, which had five cubites in length, and as many in breadth, and three in height, The other of *Incense*, which was onely one Cubite in length, and another in breadth, and two Cubites in height, vpon the first all Sacrifices were offered, *Exod. 27. & Leuit. 17.* vpon the second Sacrifice was neuer offered, but onely *Incense* was burned euery day twice, morning, and euening *Exod. 30.* But after that *Salomon* had built the Temple, the *Tabernacle* of *Moyse*, and that *Altar* ceased, and then was made a greater *Altar* of *Holocausts*, which was of brasse, and it had twentie cubites in length, and as many in breadth, *2. Paralip. 4.* which according to the rules of *Arithmetike* containeth foure hundred cubites square, and was able to comprehend many sacrifices together: but how great was the *Altar* of *Incense* made by *Solomon* the Scripture doth not mention. The *Altar* of *Incense* was within the Temple, but the *Altar* of *Holocausts* was without in the *Cour* of the Temple, which was called the *Court* of the *Priests*.

38 Concerning the persons, who were to offer sacrifice, it is to be considered, that almighty *God* to take away occasion of *Idolatrie*, as he limited the places, wherein sacrifices were to be offered, so also hee would haue the Ministers therof to be limited: for if euery man had bin permitted to offer sacrifice, either *Idolatrie* it selfe, or the rites and ceremonies of *Idolaters* might the more easily haue crept in; and therefore he ordained, that only *Aaron*, and his sonnes, and they that should

" descend from them, should be consecrated *Priests* in *Israel*, to whom
 " he gaue authority to doe all rites and ceremonies, as well of Sacrifices,
 " as of other things, which ought to be done within the *Sanctuary*, *Num.*
 " 3. 17. 18. And hee appointed the rest of the Tribe of *Leui*, whom, as
 " by a proper name we call *Leuites*, to serue *Aaron*, and his sonnes, *Num.* 3.
 " For these could doe nothing concerning those *four* things, which did
 " peculiarly belong to the *Priests*, to wit, to offer Sacrifice, to burne In-
 " cense, to put vpon the Table holy breads, which were called loaves of
 " propolition, *Exod.* 25. whereof the *Priests* onely could eate, and to put
 " the seuen lampes vpon the golden candlesticke, and to haue care of
 " them, that they should giue light: for these *four* offices, or ministeries
 " did belong onely to the *Priests*: but the office, and ministerie of the
 " *Leuites* was to serue the *Priests* in their office, and to doe those things
 " which are ordained, *Num.* Chap. 1. 3. & 8. as to haue a care and custody
 " of the Tabernacle and all the furniture thereof, of the Arke, Table,
 " Candlesticke, Altars, vessels of the *Sanctuary*, *veile*, &c. and to take
 " downe, and carry the Tabernacle, when the campe was to goe for-
 " ward, and to set it vp, when the people were to campe againe, &c.
 " 39 Concerning the ceremonies, which were to be vsed, and the
 " sacrifices which were to be offered, albeit in the *law* of *Nature*, when
 " there was no law of *God*, which did restraine, or limit any man to any
 " kinde of ceremony or Sacrifice, it was lawfull for euery man to doe
 " what hee would, vnlesse it were euill of it selfe, and therefore euery
 " man, as being considered by himselfe, might offer what sacrifice, or
 " vse what kinde of ceremony he pleased, but as he was a part and mem-
 " ber of some Communitie, he could vse no other sacrifice or ceremony,
 " then that which the Communitie, or the supreme *Gouernours* there-
 " of, whose Minister he was, did appoint; yet in the *law* written it was o-
 " therwise. For as *God* himselfe did limite and determine the places, and
 " ministers to doe sacrifice, so also he determined all the rites, and cere-
 " monies belonging to the worshipping of him, whereof the whole
 " booke of *Leuiticus* doth treat. But concerning the Sacrifices, *God* ap-
 " pointed in generall *three* kindes, to wit, *Holocausts*, a sacrifice for sinne,
 " and a *Pacificke* holste *Num.* 6. and vnder these *three* were comprehended
 " all other particular kindes of sacrifices, of all which, and of the cere-
 " monies belonging to them it is treated from the *first* Chapter of *Leui-*
 " *ticus* to the eight. What other authority the *Priests* of the *olde Testa-*
 " ment had in expounding and interpreting the law of *God*, when any
 " doubt or difficulty should arise, I declared aboue in the former Chap-
 " ter, when I examined that place of *Deuteronom.* 17. *Si difficile, & am-*
 " *bignum.* &c. *If thou perceine, that the iudgement with thee be hard, and*
 " *doubtfull,* &c.

40 Now lastly concerning the law of *Christ*, wherein all the ce-
 remoniall

remoniall, and iudiciall lawes of the old Testament doe cease, inſomuch that no Chriſtian now is bound to obſerue any one of thoſe lawes, by vertue and force of the law, it is to be conſidered; that our Sauour Chriſt hath now inſtituted a new *Prieſthood*, and a new *Sacrifice*. And albeit he hath determined, and limited the *perſons*, who are to offer *Sacrifice*, and the *Sacrifice*, which is to be offered; for the *perſons*, or *Prieſts* to offer *Sacrifice* he hath appointed onely his *twelue Apoſtles*, and thoſe, who are duely conſecrated and ordained by them, or their Succeſſours, and the *Sacrifice*, which they ought to offer, is one onely, to wit, the vnbloody offering of his immaculate body and blood vnder the viſible formes of bread and wine, by vſing thoſe words, which he himſelfe in his laſt Supper did vſe and inſtitute, yet he did neither limit the place, where this *Sacrifice* ſhould be offered, nor the ceremonies, which were to be vſed in the offering thereof, but he left theſe to the diſpoſition of the *Church*, and to the ſupreme *Paſtours* or *Gouernours* thereof, to determine them as they ſhould thinke conuenient. Beſides this authoritie, which Chriſt gaue to the *Prieſts* of the new law ouer his true body, he gaue them alſo authority, and Iuriſdiction ouer his myſticall body, which are the faithfull, which authority and Iuriſdiction is ſignified by the keyes of the kingdome of heauen, which our Sauour promiſed to S. *Peter*, and in his perſon to the reſt of the *Apoſtles*, whom he did repreſent, of which authority I haue ſpoken ſomewhat in the former chapter, and alſo in my *Apologie, Theologicall Diſputation*, and *Appendix* thereunto.

41 And from hence the Reader may eaſily gather two things; the one is, the difference betwixt the *Prieſts* in the law of *Nature*, and in the law written: for that both in the law of *Moyſes*, and of Chriſt, the *Prieſts* had not their authoritie from men, but from GOD, neither was it in the power of the temporall common-wealth to extend, or diminiſh their *Prieſtly* authoritie: but in the law of *Nature* the *Prieſts* had their authoritie from the ciuill Communitie, or common-wealth, whereof they were parts, and members, and in whoſe name, and by whoſe authoritie they were made *Prieſts*, and had power to offer ſacrifice; and it was in the power of the common-wealth to extend, or diminiſh, or to take quite away their *Prieſtly* authority, and to appoint and ordaine, in what manner, and with what ceremonies, and what things they ſhould Sacrifice to God, and to determine of all things concerning Religion; yea and the common-wealth did alſo determine what Gods they were to worſhip; and therefore it was decreed by the Senate of *Rome*, that no *Emperour* ſhould be canonized or made God, but by the decree of the Senate.

Alexand. 1. ab.
cap. 4.

42 The ſecond, which followeth from the former, is, that conſidering in the law of nature, the *Prieſthood* was wholly ſubiect and dependent

pendent vpon the ciuill Common-wealth, in so much that the *Priests* in the law of nature were subiect and subordinate, not onely in temporals, but also in spirituals, and in all things, which concerned Religion, and the publike seruice of God to the supreme Gouvernours of the temporall Common-wealth, from whom they receiued all their Priestly authoritie, M^r. Fitzherbert very vnlearnedly concludeth, that according to the law of nature the temporall State and power is subiect and subordinate to the spirituall, and that the supreme temporall Magistrate was commanded and corrected with temporall punishments, as occasion required by the spirituall. seeing that the quite contrarie I haue most cleerly conuincd out of *Abulensis*, and the same may very plainly be gathered from the doctrine of *Sotus*, *Valentia*, *Suarez*, *Vasquez*, and other Diuines treating either of Sacrifices in generall, or of the Sacrifice of the Masse, or of the Priesthood of Christ. And therefore I may boldly say, that if in the law of nature an Oath had beene propounded by the ciuill Common-wealth, wherein the Religious *Priests* should haue acknowledged, that they might not only for temporall crimes, but also for spirituall, and which meerey concerned Religion be punished by the supreme temporall Gouvernour with temporall punishments, and also be deprived of their Priestly function, and authoritie, the *Priests* would haue admitted it as lawfull; And if an Oath had beene propounded by the *Priests* to haue themselues exempted from the authoritie of the supreme temporall Gouvernour even in spirituall or religious affaires, much lesse in temporall, the Ciuill Common-wealth, or supreme Gouvernours thereof would not haue admitted it as lawfull, but would haue punished the *Priests* for presuming to vsurpe such an authoritie.

43 Wherefore those last words of my *Aduersarie* to M^r. Barlow are a most vaine, friuolous, and idle flourish: For albeit the ancient *Philosophers*, and learned *Paynims* being guided by the law of Nature, and light of naturall reason, whose doctrine also in this point our *moderne Diuines* doe follow, did cleerly see, that in the law of Nature, when no positive law of God was published, the Ciuill common-wealth, or supreme governours thereof had the chiefe command, and authoritie in all matters as well concerning Religion, as State, to whom the Religious *Priests* were wholly subiect as well in spirituall, or religious, as in temporall affaires, yet they did not turne the word vpside downe, or peruerted the course of Nature, but knew right well, that things lesse perfect are not to be preferred before the more perfect, the body before the soule, sense before reason, temporall things before spirituall, policie before Religion, earth before heauen, and the world before God. And therefore there is none, but such ignorant men as my *Aduersarie* is, that can, or will affirme the new Oath of allegiance to be repugnant to the law of Nature, or to the light of nature reason, for that

it denyeth the authoritie of spirituall *Pastours* to punish temporally absolute *Princes*, or to depriue them of their kingdomes, or dominions.

44 And by this the insufficiencie of the rest of Mr. *Fitzherberts* Discourse will easily appeare. This was some part, saith he, ^{i Pag. 101. num. 12.} of my Discourse in my Supplement concerning the law of Nature, whereby thou seest, good Reader, that I haue sufficiently shewed two things: the one that according to the law of Nature the temporall state, and power is subordinate, and subiect to the spirituall when they are conioined in one body, no lesse then the familie is subordinate and subiect to the Common-wealth in like case, because the end of the temporall power is subordinate to the end of the spirituall power, which overthroweth my Aduersaries false principle, to wit, that the Ecclesiasticall, and ciuill Societies are so distinct in nature, and office, that though they be ioined together, yet they haue no dependance the one of the other, vpon which false ground, and vaine supposition often affirmed by Barclay, and him, and neuer proued by either of them, they found all their false doctrine.

45 But how vntrue this is I haue already shewed. For in the law of Nature the temporall state, and power was not subiect and subordinate to the spirituall, or Religious, except only in excellencie, and nobilitie. whereof there is no question, but contrariwise the *Priests* of the law of Nature were subiect in spirituall and religious affaires to the supreme ciuill Governour, when they were distinct persons, neither did they make two distinct Common-wealths, as they doe in the law written, but the ciuill Common-wealth had authoritie to dispose of all matters as well concerning Religion as state, and not only to make *Priests*, and to giue them *Priestly* power, but also to increase, diminish, alter, or to take away from them their *Priestly* authoritie, and to determine of all things both temporall and spirituall, which is not so in the law written, wherein *Priests* haue their authoritie from the positive institution and law of God himselfe.

46 True it is, that the Heathen Common-wealths gaue great authoritie, priueledges, and exemptions to those persons, whom they chose and appointed to be their *Priests*, especially to the chiefe *Priest*, or *Bishop* (whereof reade *Alexander* lib. 2. cap. 8. and lib. 3. cap. 27.) to whom the *Romanes* gaue such great honour, that they did esteeme him next to the King, or supreme temporall Prince, and gaue him authoritie to command, and also to punish the King of sacred rites, and all the other inferiour *Priests*. Yea euen to *Vestal Virgins*, who were *Priests* of the Goddesse *Vesta* such honour was giuen by the *Romanes*, that if by chance they should meete any malefactour, that was led to death, hee should not for that time be put to death, vpon condition that the *Virgins* must sweare, that her meeting of him was casuall, and not of purpose. But from hence it cannot be gathered, that the religious *Priests* had by the law of Nature such authoritie, priueledges, and prerogatives,

Plutarchian
Numa Alex.
lib. 5. cap. 12.

tiues, but only that the Common-wealth in honour of Religion did grant them such temporall honour, and authoritie, and would haue them to be obeyed in some matters of great moment vnder paine of death.

47 Now in the new law in what manner the temporall Common-wealth, or rather those persons, who are parts, and members thereof, are subiect to spirituall Pastours I haue at large declared aboue in the *second part*, where I haue sufficiently proued out of *Card. Bellarmine's* owne grounds, that the coniunction of temporall power, and of spirituall subiection in the same Christian man is not sufficient to make the temporall, and spirituall Common-wealth among Christians one totall body, or Common-wealth, whereof the *Pope* is the supreme visible head. for then the *Pope* must be both a temporall, and spirituall Monarch of all Christendome, and Christians; and that although they should make one totall body, or Common-wealth, whereof *Christ* only is the head in that manner, as I there declared, yet from thence it could not be concluded, that the temporall power, or Common-wealth is *per se*, and naturally subiect, and subordinate to the spirituall power, or Common-wealth, but only that Christian *Princes*, not as they haue temporall power, but as being members of the Church of *Christ* they haue spirituall subiection, and consequently in spirituall, and not in temporalls are subiect to the spirituall power, or common-wealth, and the spirituall Pastours thereof: And there also I answered all the arguments, which *D. Schulckenius* brought to proue the contrarie. Let *Mr. Fitzherbert* impugne that I reatise, and then he may haue some cause to brag, that this doctrine of mine, and *Barclayes* is a false, and vaine supposition of our owne; In the meane time the Reader may cleerely see, how vainely, and friuolously he hath proued by the law of Nature, that the temporall power is subiect, and subordinate to the spirituall, and that in the law of Nature Religious Priests, as they were such, might command, and correct temporally the temporall Common-wealth, or supreme temporall Prince, whereas the quite contrary is manifest by the law of nature.

48 The other thing, saith *Mr. Fitzherbert*, that I haue shewed, is, that by reason of this naturall subordination, and subiection of the lower, and lesse perfect Societies to the higher, and more perfect, it is most conforme to nature, that the head of the Church, who is the supreme spirituall Magistrate, may command, and correct all inferiour Magistrates, as well temporall as spirituall, when the necessitie either of the whole body, or of the Church only (which is the most perfect, and supreme Societie) doth require it, as in the case the supreme ciuill Magistrate (who is Prince, and head of the Commonwealth) iustly commandeth, and punisheth the heads of Families, or Cities, notwithstanding that the said Families, and Cities are distinct Societies, and bodies;

bodies, and haue their lawes, and Magistrates apart, no lesse then the Commonwealth, and Church haue theirs.

49 But first it is vntrue, that there is any naturall subordination, and subiection of the temporall power, or Common-wealth to the spirituall, except in dignitie and perfection, which is nothing to the purpose, and whereof no man maketh doubt; neither doth the dignity and perfection of the more noble, and excellent Societie inferre a superiority in command, and authoritie ouer the lesse worthy, and lesse noble Societie, vnlesse we will haue the companie of *Goldsmiths* to haue authoritie and command ouer the *Pewterers*: and I haue shewed a little before most euidently, that in the law of Nature the Ciuill common-wealth had the whole charge, and command of all things, as well belonging to Religion, as to State, and that the *Priests*, or publike Ministers of religious rites, were instituted, ordained, changed, depriued, commanded, and punished by the ciuill Common-wealth, vpon whom euen in all matters belonging to Religion, and the publike worship of God they wholly depended: and therefore no maruaile, that from this vaine, and friuolous supposition of the naturall subordination, and subiection of the temporall Common-wealth to the spirituall often affirmed by Mr. *Fitzherbert*, but neuer proued by him by any one probable argument, none but vaine, and friuolous collections can be gathered.

50 Secondly, I haue also sufficiently shewed, that there is not the like case betwixt the supreme ciuill Magistrate and the heads of Families, and Cities, and betwixt the head of the Church, and the supreme Magistrate of the ciuill Common-wealth, as my *Adversarie* heere vntruly affirmeth, for that not only those persons, who are the heads of Families, and Cities, but also the Families, and Cities themselues are parts, and members of the whole ciuill Common-wealth, and therefore in all ciuill matters to be directed, commanded, and temporally corrected by the supreme ciuill Magistrate: but the temporall Common-wealth it selfe, or the temporal *Prince*, as he hath temporal power, or in meere temporall matters, is not a part, & member of the Church, or spirituall kingdome of Christ, but onely as hee hath spirituall subiection, and therefore onely in spiritualls, and in such which are reduced to the nature of spiritualls, hee is to be directed, and commanded, and to be spiritually, not temporally corrected by the supreme spirituall Pastour. And so indeed it is conforme to the law of nature, that is, it is not repugnant to naturall reason, but it is fit, decent, and conuenient, although not necessary, that the chiefe Religious *Priest* should haue authoritie graunted him, either by the ciuill common-wealth, as it was in the law of nature, or by the positive institution and law of God, as it was in the law written, to punish the transgressours of

of religious rites with some kinde of punishments, but that the *law of nature* did giue no authoritie at all to those who were appointed to be publike Ministers of religious rites, to commaund or punish at all, the ciuill common-wealth, or Soueraigne Prince thereof, vpon whom both in spiritual and ciuill matters they wholly depended, is altogether repugnant to naturall reason.

4 Reg. 102.
29. 14.

51 But Widdrington himselfe, saith Mr. Fitzherbert^k doth not deny, but that I haue prooued thus much effectually, so farre forth, as concerneth a power to commaund, and a spirituall manner of punishment, seeing that hee saith (as you haue heard in the beginning of the last Chapter) that I haue effectually prooued nothing else by the diuine, or naturall law, but that the temporall power is subiect to the spirituall in spirituall things, and in temporall, as they are reduced to spirituall, so farre forth as concerneth commaundement, and a spirituall, not a temporall manner of punishment. So he.

52 But although I doe willingly grant, that he hath sufficiently prooued by the law of God, that the Church of *Christ*, and the spirituall Pastours thereof haue authoritie granted them by the positieue institution and law of God to commaund in spirituall things, and in temporall, as they are reduced to spirituall, all Christians both Princes, and subiects being parts and members of the Church, and to punish them with spirituall punishments, if they shall contemne his iust command; yet my meaning was neuer to affirme, that he hath effectually proued, either that there is any naturall subiection, and subordination of the temporall common-wealth to the head of the Church of *Christ*, except onely in dignitie and perfection, or that the *law of nature*, abstracting from the positieue institution and law of *Christ*, hath granted to spirituall Pastours authority to punish, or commaund absolute Princes; for that all the authority, which spirituall Pastours now haue, doth either proceed from the positieue institution and law of *Christ*, or from the graunt of *Christian Princes*, and not from the *law of nature*. Wherefore from these wordes of mine, which hee hath related, this onely can be concluded, that he hath effectually prooued by the law of God, or nature, that the temporall power is subiect to the spirituall in spirituall things, and spirituall punishments; and that he hath proued nothing else. For by what rules of Logicke can my Adversary inferre, that because I grant, that he hath effectually proued by the law of God, or nature, that the temporall power is subiect to the spirituall, &c. Therefore I must grant that hee hath effectually proued by the law of God and nature, that the temporall power is subiect to the spirituall, &c. sith that every Logician knoweth, that to make an absolute disjunctiue proposition to bee true, it sufficeth that one part of the disjunctiue bee true, and therefore to make that proposition of mine to bee true, that

he

he hath effectually proued by the law of God, or nature, that the temporall power is subiect to the spirituall; &c. it is sufficient that hee hath proued by the law of God, that the temporall power is subiect to the spirituall in spirituall things, and in temporall, as they are reduced to spirituall, so farre forth as concerneth commandement, and a spirituall, not temporall manner of punishment: for by the law of nature he hath proued no such thing, nor brought any one probable argument to proue the same.

53 But let vs goe on with his Discourse: *Whereby it appeareth,* 1 Pag. 103.
saith he, *that the onely question now betwixt vs is, whether the supreme spi-* nm. 15.
rituall Superiour may punish temporally according to the law of nature,
whereof truly there can be no doubt, if we consider the ground and substance
of my former Discourse, prouing a subordination of all Societies, and com-
munities to the Church, for thereupon it followeth, that the head thereof may
by way either of commandement, or punishment, dispose of whatsoever
belongeth to all the inferiour Societies, when it shall be absolutely necessarie
for the conseruation of the Church, by the same reason, that the Superiour,
Magistrate, or Prince of the ciuill Societie, or common wealth, may dispose
in like case, and to like purpose of whatsoever belongeth to all the Societies,
which are inferiour to the common-wealth, or as the soule commandeth, or
punisheth the body in whatsoever is dependent thereon, or accessorie thereto, as
I haue proued before in the second Chapter. Chap. 2. per
101. m.

54 But this, as you see, is only a repetition of his former idle Discourse; and therefore it needeth no other answer, then that which I gaue before, where *first* I haue shewed, that the supreme spirituall superiour of the Church of *Christ* cannot punish temporally according to the law of Nature, and that there is no naturall subordination of any Ciuill Societie to the Church of *Christ*, except only in dignitie, and perfection, which is nothing to the purpose; and that in the law of Nature it belonged to the Ciuill Common-wealth it selfe to dispose and order all things as well concerning Religion, as Ciuill matters, as to ordaine Priests, to appoint with what kind of Sacrifices, and in what maner, and place God should be publicly worshipped, to giue, or take away, to extend, or diminish the authoritie, dignitie, and priuiledges of Religious Priests, as the Common-wealth, whose Ministers they were, and to whom they were subiect not onely in temporalls, but also in spiritualls, should thinke expedient; and therefore to make a naturall subordination & subiection not only in dignitie, and perfection, but also in power, and authority of the ciuill common-wealth to the Church of *Christ* is cleerly repugnant to nature, & to all natural reason.

55 Secondly, I also shewed the manifest difference betwixt families, cities, and all such like inferiour Ciuill Societies being compared to the whole Ciuill Common-wealth, and betwixt the whole
Ciuill

in Contra
Barc. x. 12. p. 137
& in Schulck.
pag. 103.

in Part. 2. c. 8.

Ciuilt Common-wealth being compared to the Church, or spirituall kingdome of *Christ*, for that not only the persons of all inferiour ciuill Societies, but also the Societies themselves, which are only compounded of ciuill power, are true parts, & members of the whole ciuill Societie, or common-wealth; and that therefore the supreme ciuill Magistrate, or *Prince*, who hath power to dispose of the whole ciuill body, or common-wealth, hath power also to dispose of euery part, and member thereof: But the temporall Common-wealth it selfe, which is compounded only of ciuill power, is not a part and member of the Church of *Christ*, which is compounded onely of spirituall, and not ciuill, or temporall authoritie, as Cardinall *Bellarmino* himselfe confesseth: ^m And therefore it doeth not follow by the same reason, as my *Adversarie* heere affirmeth, that the supreme head of the Church of *Christ* may dispose of whatsoever belongeth to the ciuill common-wealth, because the supreme *Prince* of the ciuill common-wealth may dispose of whatsoever belongeth to all other inferiour ciuill Societies. And whereas hee supposeth, that to dispose of whatsoever belongeth to the ciuill common-wealth may bee absolutely necessarie for the conseruation of the Church is a meere fiction, and idle supposition of his owne braine: and although it were so necessarie, yet it should not belong to spirituall Pastours, who haue no ciuill power, but to Christian *Princes* to dispose thereof, as I haue shewed aboue. And as for the comparison of the soule and body, which all my *Adversaries* doe so often inculcate, I haue also shewed before ⁿ most cleerely, that it is no fit similitude to proue their purpose, but maketh flat against them; both because the temporall, and spirituall common-wealth doe not make one totall body, or compound, in that manner as the body and soule doe make one man, and also because albeit the soule may command the body to punish it selfe, yet shee her selfe cannot punish the body without the helpe, and concurrence of the body it selfe; and therefore neither can the Church of *Christ* inflict temporall punishments without the helpe, and concurrence of the temporall common-wealth.

56 But now Mr. *Fitzherbert* will make, forsooth, all the matter more cleare. And all this, saith he, ^o will bee yet more cleare if we consider the weak reason that *Widdrington* giueth of his conceits to proue, that the supreme spirituall power cannot punish temporally. For thus hee saith; *Atque ita recta ratio dicitur, vt superior quicunque, &c.* And so ^{p. 103. nu. 16} right, or true reason teacheth, that euery Superior may punish his inferiour with some penaltie that is proportionate to his authority, but that any other besides him, that is supreme Governour of the ciuill common-wealth may punish his inferiour with the paine or punishment of death or maiming, or of the depriuation of all his goods, this cannot be deduced

Wid. in Admon.
ad Lect. nu. 17.

deduced from the rule, or prescript of true reason. *Thus saith hee:* But to omit to speake of bloodie punishments by death, or maiming, (which are neuer vsed by the Church, and therefore are idly mentioned heere by my Adversarie) it is to bee noted, that in the rest hee contradicteth not onely the ancient, and common practise of the Church, yea the holy Scriptures, as I shall shew F after a while, but also his owne grant, and concession.

p Iustia. m. 18.
19. 20. Item cap.
7. 9. 10. 11. &
12. per totum.

57 If the prudent Reader had not sufficiently seene before the extreame vanitie, palpable ignorance, and irreligious conscience of this my *Adversarie*, hee might easily conceiue me to bee a very bad, ignorant, and inconsiderate man for contradicting, as hee saith, not onely the ancient, and common practise of the Church, yea and the holy Scriptures, but also my owne graunt, and concession: but such bragging, and slanderous words are, as you haue often seene, frequent in this mans mouth. First therefore those words of mine, *Atque ita reſtatio dicitur, &c.* And so true reason teacheth, &c. were not brought by me as a reason, but as a conclusion of that I saide before concerning the authoritie of Superiours to punish their subiects, or inferiours with some kinde of punishments proportionate to their Coercive power.

58 Secondly, it is vntrue, that bloodie punishments by death, or maiming are idly mentioned heere by mee: seeing that hee himselve in the former paragraph did affirme, that the head of the Church may by way not only of commandement, but also of punishment, dispose of whatsoever belongeth to the Ciuill Common-wealth, and consequently both of goods, and bodies, whereof no doubt the ciuill common-wealth may dispose: and in the second Chapter also hee expressely taught, that the Pope hauing power ouer my soule, and being withall the supream Governour of the whole Church hath also power ouer my life, albeit with the lines of Princes, it being an odious question, hee will not meddle, and a little after hee affirmeth, that the Pope hath power ouer the temporall goods, states, and bodies of all Christians, and consequently, according to his doctrine, also of all Christian Kings, and Princes. Why then doth he now say, that bloodie punishments by death, or maiming are idly mentioned heere by mee, when I affirme, that none but the supream ciuill Superiour hath power to punish his subiect, or inferiour with the punishment of death, maiming, or deprivation of goods? But marke I pray you, his goodly reason; because, forsooth, bloodie punishments by death, or maiming are neuer vsed by the Church: whereas the question betwixt vs was not, whether the Church doeth actually vse bloodie punishments, for of this I spake not one word in this place, albeit Pope Adrian did ordaine in the Canon law, 9 that the tongues of some malefactors should bee pulled out, and the heads of others stroken off: but the question was, whether the Pope hath power and authoritie to

q In cap. De-
latori 5. q. 6.

use bloodie punishments, and hee himselfe, as you haue seene, expressly teacheth, that the *Pope* hath such a power, and yet now, *forsooth*, I in denying it, doe mention idly bloodie punishments by death, or maiming.

59 Thirdly, that hee may not take occasion heereafter to cauell at my words, when I affirmed, that true reason teacheth, that euery Superiour hath power to punish his inferiour with some punishment proportionate to his authoritie, my meaning was, as also my words doe sufficiently signifie, to speake onely of *supream Superiours*, who haue both *directiue*, and *coercive* authoritie, that is, power both to command, and punish: for a *delegate Superiour* hath no other authoritie then is granted him by his *supream Superiour*: And therefore it is not against the law of Nature, or the prescript of true naturall reason, that such a *delegate Superiour* may haue power giuen him only to command, and not to punish, or to punish one man, and not another, or to inflict one punishment, and not another, according as his *supream Superiour* shall thinke it fit, and conuenient.

60 Now you shall see in what manner Mr. Fitzherbert prooueth, that I contradict my owne grant, the holy Scriptures, and the ancient, and common practise of the Church. You haue heard Widdrington grant, ¹ saith hee, ² that the spirituall Superiour may command corporall, and temporall things, as they serue the spirituall, and are reduced thereto. Why then may hee not punish his subiect in his body, or temporall goods for the same respect? But first what contradiction, I pray you, is it, to affirme that the spirituall Superiour may for a spirituall end command, or enioyne temporall penalties, and to deny, that he may not for a spirituall end inflict temporall penalties? Contradiction, as all Philosophers know, is an affirming, and denying of the selfe same thing, and in the selfe same manner, but to affirme one thing, and to deny another is no contradiction at all. Wherefore to proue, that I contradict my owne grant, Mr. Fitzherbert must proue, which he can neuer doe, that I affirme, and deny the selfe same thing, as to affirme, and deny, that the spirituall Superiour hath power to command temporall penalties, to affirme, and also to deny that hee hath power to inflict temporall penalties, for otherwise to accuse mee of contradiction for affirming one thing, to wit, that the spirituall Superiour hath power to command temporall penalties, and for denying another thing, to wit, that hee hath not power to inflict temporall penalties, is to accuse himselfe of most grosse, and palpable ignorance.

61 Secondly, I answered his demaund with other like demaunds. Cardinal Bellarmine, as you haue seene aboue, ³ affirmeth, that the soule may command bodily actions, when they are necessary for the good of

¹ *Supra* c. 5. nu.

² *Wid. in Admon. ad Lect.*

nu. 17.

³ *Pag.* 104.

nu. 17.

of the soule, and I also added, which he cunningly concealeth, when they are necessary for the good also of the body; why then may not the soule her selfe also exercise bodily actions for the same respect, without the helpe or actiue concurrence of the body it selfe? Also the soule may command one corporall member to punish another, if it be necessary for the good either of the soule, or of the body, as the hands to whip the shoulders, or to cut off some contagious member, as the fingers, the toes, the feete, or legges if they be poysoned, why then hath not the soule herselfe for the same respect power to doe the same? Moreover a ghostly father may enioine his penitent for satisfaction of his sinnes, and to auoide the danger of falling backe into sinne, to giue Almes, to build Hospitalls, to afflict his body with fasting, watching, disciplining, hairecloth, and such like to shunne this, or that company, &c. Why then, if the Penitent refuse to doe these things, may not his ghostly father for the same respect take away his money from him, and giue Almes, and build Hospitalls therewith, and afflict his penitents body whether hee will, or no &c? Why did S. Bernard affirme, that the *materiall sword* is by *Christs* commandement to be drawne forth for the Church, but not by the Church, with the hands of the Souldier, but at the becke, or declaratiue commaundement of the Priest?

62 But the true, and proper reason why spirituall Pastours haue authoritie to command temporall punishments, and not to inflict temporall punishments, or to punish temporally, must bee taken not from any naturall subordination, or which is all one, from any necessarie subiection, which according to the *law of Nature* the ciuill common-wealth, or *temporall Princes* haue to the *Religious Societie*, or to the Ministers of sacred rites, for that in the *law of Nature* it belonged to the ciuill common-wealth to dispose of all matters as well concerning Religion, as state, as I haue shewed before; but it must bee taken from the positieue institution of *Christ* our Saviour, and from the nature, and conditions of the lawes, weapons, armour, and punishments, which according to the institution of *Christ* are due to the *Church*, as he hath distinguished them from the nature and conditions of the lawes, weapons, armour, and punishments, which are proper to the temporall Common-wealth. For there is no doubt to be made, but that our Saviour if it had pleased him, might haue ordained, that the chiefe visible head of the *Church* should bee both a temporall, and spirituall *Monarch*, as the *Canonists* will haue him to be, and might haue giuen him authoritie to inflict not only spirituall but also temporall punishments, and not only to command, but also to vse the materiall, temporall, or ciuill sword, as also if it had pleased him, hee might haue giuen him no power to command at all, but only to preach the word of God, and to

declare his law, and to minister Sacraments to them that should voluntarily, and of their owne accord demand them; wherefore what power the *Pope* and other spirituall Pastours haue, wee cannot gather from the *law of Nature*, or the necessary prescript of naturall reason, but onely from the positie institution and law of *Christ*.

63 But this difference betwixt the power to command, and to inflict temporall punishments will be made more plaine and perspicuous, by examining his next Discourse, and by declaring more fully the true sense and meaning of those former words of mine. [*The spirituall Superior may command corporall and temporall things, as they serue spirituall and are reduced thereto*:] Which my *Adversarie* either doth not, or would seeme not to vnderstand. For seeing that, saith he^u, the spirituall power to command temporall things in that case, resulteth (as *Widdrington* seemeth to grant) upon their reduction to the spirituall (that is to say, because they are vsed and applied to the seruice of the spirituall whereby they are reduced to a kind of spirituall nature or qualitie) why shall not the same reason hold for the spirituall Superiours power to punish in temporall things, which are no lesse vsed and applied to the seruice of the spirituall, in punishment, then in commandement? as when delinquents are enioyned for the punishment of their sinnes to giue *Almes*, to build *Hospitals*, or *Monasteries*, to goe in *Pilgrimage*, and to afflict their bodie by fasting, watching discipline, haire-cloth, and such like, it is cleare, that as well the corporall labours, as the temporall expences are referred to a spirituall end, (to wit, to Gods glory, and the benefite of the Soule) no lesse then if the same were employed otherwayes for Gods seruice, by the direction or commandement of the spirituall Superiour. Also, when heretikes are deprived of their honour, fame, goods, or lines for the iust punishment of their heresie, according to the custome and Canons of the Church, who knoweth not that the same is done for the glory of God, and the great benefite of the Church? So as there is no lesse relation or reduction of corporall and temporall goods to the spirituall in punishing, then in commanding, and therefore *Widdrington* cannot with any probability admit the one, and reiect the other.

64 The reason why the spirituall Pastours of the Church may command temporall punishments, and yet may not inflict them, or punish temporally; or, which is all one, why the directive power of spirituall Pastours is extended to temporall punishments for a spirituall end, and yet their coercive power is not for the same respect extended also to temporall punishments, but restrained and limited to spirituall, or Ecclesiasticall Censures, I fully declared in my *Appendix* to *Fa. Suarez*, which *M^r. Fitzherbert* might well haue seene, seeing that it was published the yeere before this his *Reply* came forth. For *Fa. Suarez* argued in this manner: *The Ecclesiasticall power of the Church, as it is directive, or commanding is not by those words of our Saviour, Quodcunque ligaueris*

u Pag. 104. Widdrington. 17.

See Siluester
verb. Heresum.
12. 13. & 14.

See Appendix
part. 1. sec. 4.

ris &c. Whatsoever thou shalt binde &c. determined to this or that manner of directing or commanding, but doth without limitation comprehend all convenient directing or commanding, therefore the same is to be understood of the coercive, or punishing power. For we doe now suppose as a thing manifest, and knowne to every man of meane learning, that in every law there is contained the commandement, which the Divines call *vis dirigens*, the directive or commanding force or power, and the punishment, for feare of which we are in some sort compelled and constrained to performe the thing commanded, which therefore the Divines call *vis cogens*, or coercens, the compelling, enforcing or punishing force, or power of the law.

65 This therefore was a part of my answer to the afore said argument of Fa. Suarez, which my Adversaries concealing thereof vrgeth me to repeat heere againe, that the Reader may in some sort thereby perceiue, that he still vrgeth the same arguments, which haue before bene fully satisfied. Secondly, if that assertion or argument of Suarez be so understood, that as the Ecclesiasticall power to command is not limited to any certaine manner of commanding, so that it be convenient, and becomming the nature and condition of an Ecclesiasticall or spirituall body, or Societie (as it is by the institution of Christ distinguished from the ciuill body or Common-wealth) so the Ecclesiasticall power to punish is not limited to any certaine manner of punishing, so that it be convenient, and becomming the nature and condition of an Ecclesiasticall or spirituall body, and society (as it is instituted by Christ and distinguished from the ciuill Common-wealth) then wee grant also his comparison, or the consequence of his argument. But then we affirme, that as onely temporall correction or punishing is convenient and proper to the temporall body, or Common-wealth; so also onely spirituall censures or punishments are by the institution of Christ convenient and becomming the spirituall kingdome, or Church of Christ, as out of many Catholike Authours wee haue shewed a little before.

66 Wherefore there is a great difference to be obserued betwixt the power to command, and to punish. For the Ecclesiasticall power to command is as it were vnlimited, and may be extended to all things both spirituall and also temporall, not as they are temporall, but as in regard of the vertue or sinne therein contained, they become spirituall; because the object of the Ecclesiasticall directive or commanding power is vertue, or vice, which may be found in all things whatsoever, as well temporall, as spirituall: And so the Ecclesiasticall power forbidding a temporall thing as it is a sinne, or hurtfull to spirituall good, doth nothing which is vnbecomming the nature and condition of a spirituall body, or Society, but the depriving one of temporall lands, goods, li-

“ bertie, or life, are alwaies temporall punishments for what crime soeuer
 “ either spirituall or temporall they be inflicted, and therefore are not
 “ conuenient or befitting the nature or condition of a spirituall Com-
 “ mon-wealth, as I haue shewed before.

“ 67 And this distinction or difference betwixt the *commanding* and
 “ *chastising* power doth evidently appeare in the ciuill Common-wealth,
 “ which hauing for the object of her *directive* or *commanding* power, pub-
 “ like peace, or publike disquietnesse, as the Ecclesiasticall hath vertue
 “ or vice, may forbid all things euen Ecclesiasticall matters, as they are
 “ truly manifest wrongs to the ciuill society, and vniust hindrances to
 “ the publike peace; for that these vniust oppressions, although *princi-*
 “ *pally*, and *of themselves* are spirituall, yet *secondarily* and *by accident* they
 “ are temporall wrongs, and in that regard may be punished by the ciuill
 “ Magistrate, not with spirituall but with temporall punishments, as be-
 “ fore in this *Disputation* * I haue shewed out of those two famous and
 “ learned *Dominicus, Scotus, and Bannes*. Whereby we may perceiue that
 “ this manner of arguing, which *Suarez* vseth in comparing the *comman-*
 “ *ding* or *directive* power, with the *punishing* or *coercive*, is not allowable;
 “ for otherwise wee might in like manner conclude, that as the Ciuill
 “ power to *command* is not so limited, but that it may sometimes be ex-
 “ tended to Ecclesiasticall or spirituall matters; so also the Ciuill power
 “ to *punish* is not so limited, but that it may sometimes be extended to
 “ punish with Ecclesiasticall or spirituall punishment. Thus I answered in
 “ that place.

x Cap. 7. sec. 2
 nu. 17.

68 By which the Reader may cleerely see, that the difference be-
 twixt the *directive* or *commanding*, and the *coercive, compelling, or punish-*
ing power must bee taken (as the natures and differences of all powers
 ought to be taken) from their *proper acts, and objects*; for the acts and
 objects of the Ecclesiasticall power, as it is *directive*, or *commanding*,
 are the commanding of vertuous, and the forbidding of vicious acts,
 whereby the spirituall health of soules, and euermlasting happinesse,
 which is the last end of the spirituall power, is obtained: So that what
 thing soeuer, be it temporall or spirituall; that may be vertue or vice,
 that may be necessary or hurtfull to the spirituall good of soules; may
 also be commaunded, or forbidden by the Ecclesiasticall or spirituall
 power, as it is *directive*. And this is the reason why the spirituall power
 as it is *directive*, may be extended to temporall punishments, that is, may
 command or forbid temporall penalties or afflictions, for that vertue
 and vice, which are the object of the spirituall power, as it is *directive*,
 may be found in them.

69 So likewise the object of the ciuill power, as it is *directive*, is
 the obtaining and conseruing of temporall peace and quietnesse in the
 temporall common-wealth, and her acts are the *commanding* or *for-*
bidding

bidding of those things which are necessary, or hurtfull to the publike peace, which is the last end of the temporall power it selfe, although it be not the last end of the temporall Christian *Prince*, as I shewed above in the *second part*; So that what thing soeuer, be it spirituall or temporall, that doth *inuiouly* disturbe the publike peace, may be forbidden by the temporall power, as it is *directiue*. And this is the reason why the temporall power, as it is *directiue*, may be extended sometimes to spirituall actions, not as they are spirituall, but as they are reduced to temporall actions, for that the *inuiou* disturbance of the publike temporall peace, which is the object of the temporall power, as it is *directiue*, may sometimes be found in them. As the baptizing of one with poysoned water, or the ministring of the B. *Sacrament*, which is also poysoned, as they are *spirituall actions*, to wit. the ministring of *Sacraments*, which worke a *spirituall effect*, are not subiect to the *directiue* power of the temporall *Prince*, but as they worke a *temporall effect*, which is *inuiou* to the temporall peace, they are subiect to the temporall power, as it is *directiue*. And so a temporall *Prince* may forbid a spirituall Pastour, who is subiect to him in temporalls, to *minister hic*, & *anne* the *Sacrament* of *Baptisme*, whereby the party baptized shall be poysoned. So also *excommunicate*, if they cause tumults, and perturbations in the common-wealth, or vnfit conuenticles by night, with armour and weapons, whereby *probable* danger of seditions, or of other temporall wrongs may arise, although these assemblies be made to preach the Gospell, or instruct the people in the faith of *Christ*, may be forbidden by the temporall power, not as they are temporall actions, but as they are temporall wrongs, and *truely* inuiou to the publike temporall peace.

70 And this doctrine is of it selfe so manifest and perspicuous, that no man of any learning can deny it: and to affirme, that it is a doctrine altogether intollerable and which cannot be vttered, but by one who is giuen to a reprobate sense, for that it maketh the temporall *Prince* to bee Judge of spirituall things, and thereby maketh him, *truely* the head of the Church, as D. *Schulckemius* most rashly affirmeth, is an intollerable slander, and which could not be vttered by any learned man, vnlesse with some vehement passion of ire hee had beene altogether transported, and his vnderstanding therewith had beene wholly blinded, as I haue shewed more amply in the Discouery of his slaunders. For this doctrine doth not make the temporall *Prince* to be iudge of spirituall matters, but of temporall, nor to be the head of the Church, that is of the mysticall body of *Christ*, and his spirituall kingdome, or of Ecclesiasticall and spirituall causes, but onely of the *politicke* body, and temporall common-wealth, and of ciuill matters, or which, by reason of some *truly* temporall wrong, are reduced to ciuill matters.

y Pag. 7. &
208.

z In Appendice ad Supplicationem §. 11. calumnia 11.

71 But the Ecclesiasticall or spirituall power, as it is *coercive*, compelling or punishing. doth not consist in *commanding*, but in *punishing*, and her proper act and object is the *inflicting* of spirituall Censures or punishments. For as *Christ* our Sauour hath instituted his *Church* a spirituall and not a temporall kingdome; so he hath given her correspondent weapons, armour, and punishments which she is to vse, to wit Ecclesiasticall Censures, as Excommunication, Suspension, Interdict, and not ciuill punishments, as death, exile, priuation of goods, &c. as I haue shewed before^a out of *Almaine* and many others, both ancient Fathers and moderne Catholike Diuines, and Lawyers: which also is sufficiently grounded in the holy Scriptures, *And if hee will not heare the Church, let him bee to thee as a Heathen, and Publicane*^b; and *I will giue to thee the keyes of the kingdome of heauen*^c, not of earthly kingdomes; and *the weapons of our warfare are not carnall*^d.

^a Part. 1. per totum.

^b Matth. 18

^c Matth. 16

^d 2. Cor. 10.

72 So likewise the Ciuill power, as it is *coercive*, doth not consist in *commanding*, but in *punishing*, and her proper act, and object is the *inflicting*, or vling of temporall punishments, as death, exile, priuation of goods &c. Which *S. Bernard*^e called the *drawing forth*, or *vling*, and *exercising* the materiall, or temporall sword: for although he affirmed the materiall, or temporall sword to belong in some sort to the *Church*, for that it was to be drawne forth, or vled for the *Church*, but not by the *Church*, yet he also affirmed, that *Christ* our Sauour did forbid spirituall Pastours, to wit, as they were such, to draw forth, or vse the materiall, or temporall sword. And therefore well said *Petrus Damianus*, *that the kingdome and Priesthood are by their proper offices, and functions so distinguished. that the King should vse Secular weapons, and the Priests be girded with the spirituall sword*; which in sense is all one with that saying of *Gratian*,^h the Compiler of the Canon law, called the Decree, *it belongeth to Kings to inflict corporall, and to Priests to inflict spirituall punishments*. Now as the end both of the *directiue*, and also of the *coercive* power is temporall peace, so the end both of the *directiue*, or commanding, and also of the *coercive*, or punishing spirituall power is the spirituall health of soules, and euerlasting happinette, which, as I haue shewed aboue in the *second part*; is also the last end of euery Christian man, to which *spirituall Pastours* by Ecclesiasticall lawes, and spirituall Censures, and *Christian Princes* by ciuill lawes, and temporal punishments, are by the law of *Christ* bound, as much as lyeth in them, to bring their Subiects.

^f Lib. de considerat. ad Eugenium.

^g In Epist. ad Firmum.

^h 2. q. 7. cap. Nonis.

73 And by this the Reader may easily perceiue both the true meaning of those words of mine, *The spirituall Superiour may command corporall and temporall things as they serue spirituall, and are reduced thereto, but not inflict temporall punishments*; and also what Mr. Fitzherbert

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can rightly conclude from that assertion of his, *All temporall things, and temporall punishments may bee referred to a spirituall end* (so wit, to Gods glory, and the benefit of soules) and this no lesse in commanding then in punishing. For corporall or temporall things to become spirituall things, or to be reduced thereto, is nothing else, then that in corporall and temporall things there may bee found *vertue*, or *vice*, which are the object of the spirituall *directiue* power, and that therefore all temporall things, and also all temporall punishments, as they may become spirituall things, or reduced thereto, that is, as by the relation of them to Gods glory, and the health of soules, there may reside in them *vertue*. or *vice*, may be commanded or forbidden by the spirituall *directiue* or commanding power, which hath for her acts and objects the commanding of *vertue*, and the forbidding of *vice*: but the act and object of the spirituall *coercive* power is the *inflicting*, and not the *commanding* of spirituall punishments; and no relation of temporall punishments to Gods glory, or to the health of soules can make them to bee *spirituall punishments*; for that death, exile, priuation of goods, &c. although by the reference of them to Gods glory, and the health of soules they may become *spirituall actions*, that is, in them may reside *vertue*, or *vice*, yet they can neuer become *spirituall punishments*; and therefore although they may be commanded, or forbidden by the spirituall power, for that the object of the spirituall *commanding* power are all things wherein *vertue* or *vice* may be found, yet they cannot be *inflicted* by the spirituall *coercive* power, which hath for her object the *inflicting* onely of spirituall, and not of temporall punishments, vnlesse the reference of temporall punishments to the glory of God, and the health of soules can make *temporall punishments* to become, I doe not say *spirituall things*, but *spirituall* and not *temporall punishments*, which is impossible. And therefore with great reason I did admit the one, to wit that the spirituall Superiour may *command* temporall punishments, as they become spirituall things; or are reduced thereunto, that is, to things, wherein *vertue* or *vice* may be found, and did reiect the other, to wit, that the spirituall Superiour may in regard of the same reference, or reduction *inflict* also *temporall punishments*; for that no reference, or reduction of the *inflicting* of *temporall punishments* to Gods glory, and the health of soules can make *temporall punishments* to become *spirituall punishments*, or the *inflicting* of temporall punishments to be the *inflicting* of spirituall punishments. And therefore you may see, I will not say, with what *probabilitie*, but with what palpable ignorance Mr. Fitzherbert¹ accuseth me of *contradiction* in this point, and calleth it before a *frivolous distinction* of mine.

i Supra. d.
m. 10.

74 And from this also which I haue said, two other things may easily bee gathered. The one is, that to know what punishments are the

the object of the spirituall *coercive*, or punishing power, wee haue no other way *a priori*, then the holy Scriptures, wherein the institution and law of *Christ* is contained: and the reason is, because there is no naturall necessitie, that spirituall Pastours must haue authority to inflict temporall punishments, and by the law of nature, and the auncient Romanes, and other Heathen common-wealths, who were guided by the light of naturall reason, I haue sufficiently prooued before, that this naturall subordination, and subiection (especially in *coercive*, or punishing temporall authority, or authority to punish temporally) of the ciuill common-wealth to religious Priests (which my *Adversary* supposeth) is a very vaine and idle fiction, or *Chymara*, & faigned without any colour or shew of true naturall reason. Wherefore seeing that *Christ* our Sauiour might by his *absolute power* haue giuen to the spirituall Pastours of his Church a greater or lesser *coercive*, or punishing authority, then hee hath giuen them, yea and might haue giuen them no *coercive* authority, or power to punish at all so much as with spirituall Censures, to know what *coercive* or punishing power, he hath actually giuen them, cannot be proved by the law of Nature, or by naturall reason, but onely by the holy Scripture, and the auncient Fathers, who are the sincere Expositours thereof, and liued before this controuersie concerning the *Popes* temporall authority ouer temporall Princes arose, and therefore could neither fauour the one side, nor the other.

75 The second is, that there is but little difference except in words betwixt the doctrine of the *Diuines*, and *Canonists* concerning the spirituall *coercive*, or punishing power. For although the *Canonists* doe suppose, that all the power as well *coercive*, as *directiue*, which *Christ* hath giuen to the Pastors of his Church, is *in ordine ad bonum spirituale*, in order to spirituall good, or for the sauing of soules, which the *Diuines* call *indirectly*, yet because the *Canonists* hold, that the *Pope* by the institution of *Christ* hath supreme authoritie to *inflict* as well temporall as spirituall punishments, and consequently to punishall Christians euen temporall Princes as well temporally, as spiritually, therefore they feare not to affirme conformably to their grounds, that the *Pope* is the supreme temporall, and spirituall Monarch of the whole Christian world, and hath true temporall *coercive* authoritie. But the *Diuines* although in effect grant as much, yet they differ in words, and that *coercive* authoritie of spirituall Pastours, which the *Canonists* call temporall, for that it worketh the same temporall effect, and hath the selfe same object, which the temporall, or ciuill *coercive* authoritie hath, wil not *forsooth*, call it temporall authoritie, but spirituall authoritie in temporalls, and that not *directly*, but *indirectly*, or in order to spirituall good, whereas the *Canonists* doe also hold, that the *Popes* temporall *coercive* authoritie, or his *coercive* authoritie in temporalls is also in order to spirituall good.

But

But this distinction of *directly*, and *indirectly* was purposely inuented by the later *Diuines* to make their doctrine concerning the *Popes* authoritie to dispose of all temporalls, and to inflict temporall punishments to be more plausible to the vulgar sort, and to be lesse odious to Christian *Princes*, and their loyall subiects, who can not brooke to heare any man say, that *absolute* and *Soueraigne Princes* are not *supreme*, but subiect in temporalls to *spirituall Pastours*, whereas in effect, and very deed the *Diuines*, notwithstanding this their distinction, doe make *absolute Princes*, whom the ancient *Fathers* with vniforme consent haue euer accounted to be next vnder GOD in temporalls, and not to be temporally punished but by GOD alone, to be as much subiect in *temporalls* to *spirituall Pastors*, and to be no lesse temporally punished by them, then the *Canonists* doe. So that the difference betwixt their opinions concerning the *coercive* power of spirituall Pastours is rather *verball*, and only about words, them *reall*, and in very deede.

76 Seeing therefore that to haue power, and authoritie *directly* in temporalls is nothing else then to haue power in temporalls, as they are temporall, and to haue power *indirectly* in temporalls is to haue power in temporalls, not as they are temporall, but, as the *Diuines* say, in order to spirituall good, or, which is all one with that I said before, as by the order and reference to spirituall good, that is, to the glory of GOD, and the health of soules they become *spirituall*, that is *vertuous*, and *viceous actions*, it is manifest, that although this distinction of *directly*, and *indirectly* may be applyed to the spirituall *directiue*, or commanding power, as I declared before, for that spirituall *Pastours* haue no power to command temporall actions but in order to spirituall good, and by that reference become *spirituall*, and capable of *vertue*, or *vice*, which is the health or hurt of soules, yet it cannot be applyed to the spirituall *coercive*, or punishing power, vnlesse it be first proued, that *Christ* hath giuen to spirituall Pastours for the health of soules authoritie to *inflict* as well temporall, as spirituall punishments, and that the *objects* of the spirituall *coercive* power are by the institution of *Christ* both temporall and spirituall punishments, which my *Aduersaries* will neuer be able to proue from the holy *Scriptures*, or the ancient *Fathers*, and vnpartiall expositours thereof; for to proue the *coercive* authoritie of spirituall *Pastours*, and *Priests* by the law of *Nature*, or naturall reason, who, as I haue shewed before, were in the law of *Nature* subiect to the *coercive* power of the ciuill Common-wealth; is most idle, and friuolous.

77 Now you shall see, how friuolous the *second* reason is, which Mr. *Fitzherbert* bringeth to proue that I *contradict* my selfe, in granting, that the spirituall Superior may command temporall punishments, and yet in denying, that he may inflict temporall punishments. Furthermore Widdington

h Pag. 105.
num. 18.

Math. 18.

1. Cor. 4.
2. Thess. 3.

ton granteth, faith Mr. Fitzherbert, ^k that the spirituall Superiour may punish spirituallly (that is to say by Censures of Excommunication, Interdict, and Suspension) but who seeth not that he granteth consequently, that the said spirituall Superiour may also punish temporally? For Excommunication doth not only deprive a man of the use of the Sacraments, but also of the communication, and conversation of Christian men, and of many temporall commodities even according to our Saviours owne commandement, who ordained a temporall penaltie of Excommunication, when he commanded, that he which will not heare the Church, shall be taken for an Ethnike, and a Publican, that is to say, shall be excluded not only from the participation of the spirituall benefits of the Church, but also from the temporall company, and conversation of the faithfull; which was also ordained by the Apostle, when he commanded the Corinthians, and Thessalonians not to eate with notorious sinners, and disobedient persons; and by S. Iohn when he commanded that the Christians should not receive heretikes into their houses, nor so much as salute them; in all which it cannot be denyed, but that the offenders were punished temporally.

i In my Appendix against Suarez part. 2. sec. 4. See also above chap. 1. nu. 16 and seq. and chap. 5. sec. 2. num. 331. & seq.

78 But all this, and the rest also, which Mr. Fitzherbert bringeth in the two next Paragraphes was before objected by Fa. Suarez, and fully answered by me in my Appendix: but this man is pleased to repeat still the same objections, which by me, and others have beene before often answered. Wherefore it is true, that I doe grant, that the spirituall Superiour may punish spirituallly by Ecclesiasticall Censures, but it is not true, that I must consequently grant, that he may also punish temporally, for this I ever denyed, and therefore it is a meere fiction of his owne braine, that I contradict my selfe in affirming, and denying the selfe same thing. For First Excommunication, as I shewed before, doth not of it owne nature, and by any institution of Christ deprive of ciuill conuersation, but only of the Ecclesiasticall or spirituall participation of the faithfull: and therefore all ciuill contracts with excommunicated persons, as buying, selling, changing, lending &c. are valid, and of force, if we respect only the law of Christ. Secondly, it is also true, that by the law of the Church some temporall punishments may be annexed to Excommunication by way of command, and so the Church hath power to command, that we shall not ciuilly conuerse with excommunicated persons, except in those cases, wherein by the law of Nature, and Nations we are bound ciuilly to conuerse with them: So also spirituall Pastors, as I haue shewed before, may annexe to Excommunication the inflicting of those temporall punishments, which from the grant, and priuiledges of temporall Princes they haue authoritie to inflict: But this is nothing to that, which Mr. Fitzherbert intended to proue; For I neuer denyed, that the spirituall Superiour may punish temporally by way of command, or to speake more properly, may command and enioyne temporall

porall penalties, and also inflict them by that ciuill authoritie, which he hath receiued from the grant of temporall Princes, but that which I denyed, is that the spirituall Superiour hath by the institution of *Christ* authoritie to inflict temporall punishments.

79 Thirdly, Mr. *Fitzherbert* affirming so boldly, that our Saviour by his owne commandement ordained a temporall penaltie of Excommunication, doth erre most grossly, seeing that he cannot proue, that our Saviour ordained any penaltie at all, much lesse a temporall penaltie of Excommunication. For if he had but sleightly runne over Schoole-Diuinitie, and especially the Treatise of Ecclesiasticall Censures, he could not but haue seene, that although the power to excommunicate is *de iure diuino*, and instituted by the law of *Christ*, yet that according to the more common doctrine of *Diuines*, neither Excommunication, or any other Ecclesiasticall Censure, or penaltie is *de iure diuino*, and ordained by the commandement of *Christ*, but *de iure humano*, and instituted by the Church: and that to no sinne is annexed any Censure by the law, and commandement of *Christ*, who did neuer by himselfe immediately ordaine, that the Church should vie such, or such a determinate punishment, but he left to the prudent iudgement, and arbitrement of the Church to determine in particular this or that punishment, according to the authoritie she hath receiued. For thus writeth *Fa. Suarez*, *Suarez tom. 9. dif. 2. sec. 2.* affirming it to be the more common opinion of Doctours, and withall heauntwereth all the authorities, which Mr. *Fitzherbert* hath brought here out of the holy Scriptures.

80 But the contrarie doctrine, saith *Suarez*, may seeme to haue some ground in those word: Matth. v8. If he will not heare the Church let him be to thee as a Heathen, and a Publican. For by those words our Saviour *Christ* doth seeme to haue sufficiently shewed, and instituted the Censure of Excommunication, and that the Pastours of the Church are heere virtually commanded to excommunicate disobedient, and obstinate Christians: because by no other reason the faithfull can be bound to auoid such kind of men.

But from this place, saith *Suarez*, nothing can be gathered. For otherwise one might also gather from thence, that whosoener disobeyeth the Church, is excommunicated by the law of God. Also, for that other wayes the Church doth excommunicate no man, but declare him to be excommunicated by the law of God, because he doth not obey the Church, which how absurd this is, it is manifest of it selfe, &c. First, therefore by those words is signified this generall maxime, that those who doe not heare the Church, doe grievously sinne, and especially if they be obstinate; and that therefore they are to be accounted, and shunned as grievous sinners, as are Heathens and Publicanes. Secondly, It is signified that *Christ* our Lord will giue to his Church power to binde and loose. And so in those words is contained the power to inflict the Censure of Excommunication, but not the institution of the Censure

Censure it selfe, or a commandment in particular; but onely in generall of annoyding sinners, who are disobedient to the Church, vnder which generall law is comprehended an accomodate distribution to say so, to wit, a commandment to soune euery one that is disobedient to the Church, according to the degree and manner of the prohibition and separation which is made by the Church her selfe. And this is the common exposition of Interpreters vpon that place, and of Diuines handling this matter. Thus Suarez. Whereby it is apparant how disagreeably to Suarez doctrine Mr. Fitzherbert here affirmeth, that Christ our Saniour by his owne commandment ordained a temporall penalty of Excommunication, when he commanded, that he who will not heare the Church shall bee taken for an Ethnicke, and a Publicane, seeing that according to Suarez, he ordained here no penalty or Censure at all of Excommunication.

81 But because some Catholike Doctours, as *Almaine, Eckius, Clithowius*, and *Driedo* doe affirme, whose doctrine in this poynnt both Suarez, and the more common opinion of *Diuines* doe reiect, that at least-wise to the sinne of heresie, if it be ioynted with obstinacy, there is annexed some Censure or punishment by the law of God and their opinion may seeme to haue some ground in those authorities of holie Scripture, whereof some are here vrged by Mr. Fitzherbert: *Suarez* also answereth to these authorities, and affirmeth, that they are not feasible. And first, that those words of S. Paul ad Tit. 3. A man that is an heretike after the first and second admonition auoyd, &c. may be understood of the naturall obligation, by which euery man is bound to auoyd danger of being infected, and consequently to auoyd the person, which is an occasion to him of sinning; and such is an heretike whose speech spreadeth as a Canker, 2. Tim. 2. So also it is said, 1. Cor. 5. But now I wrote to you not to keepe company; if he that is named a brother, be a fornicator, or a couetous person, or a seruer of Idols, or a railer, or a drunkard, or an extortioner, with such an one not so much as to take meate: and Galat. 5. Know you not that a little leauen corrupteth the whole paste? Secondly, although we should grant, that the Apostle in that place ad Tit. spoke of a proper Censure, it doth not follow, that this institution is diuine, but at the most an institution of the Apostle, because it is the commandment of S. Paul &c. and especially for that it may be expounded, Auoid, that is, Excommunicate; for the Apostle spake to Titus, who was a Bishop, and had power to excommunicate.

82 And according to this sense may be understood those words of S. Iohn Epist. 2. If any man cometo you, and bring not this doctrine, receiue him not into your house, nor say to him, God saue you, although they rather seeme to be understood of a naturall commandment not to cooperate with such men, and not to giue them any signes, whereby either wee should seeme to consent to them, or that they should be confirmed in their error. thj

this S. Iohn did signifie in the next words, For he that saith to him, God save you, communicateth with his wicked workes. As also S. Paul, 1. Theil. 3. said; And if any obey not our word note him by an Epistle, and doe not company with him, that he may be confounded. In which last word also the Apostle insinuateth, that not onely to anioide communication in sinne, but also to rebuke our neighbour charitably, it is sometimes counselled, or also commanded to abstaine from his companie, that hee may be confounded: of this sort also are those wordes, 1. Cor. 5. which words doe admit almost all the aforesaid interpretations: And if they be extended to a proper Censure, they are to be understood, at what time, and in what manner the Pastours of the Church shall iudge, that these kinde of sinners are to be avoided. And so by all these testimonies conserred together it is evidently gathered, that there is no ground in Scripture for vs to say, that any Censure is by the law of God annexed to heresie, rather then to other sinnes: And therefore the contrary opinion is farre more probable, and it is the common opinion of other Doctours. Thus Suarez. And yet, forsooth, Mr. Fitzherbert maketh no doubt, but that Christ our Saviour by his owne commandement hath ordained a temporall penaltie of Excommunication, where-as Suarez, and the common opinion of Doctours doe resolutely affirme, that no penaltie at all of Excommunication is by the commandement of Christ ordained against those that shall disobey the commandement of the Church.

83 Wherefore lastly, and principally, all that Mr. Fitzherbert, or any other can conclude from the former places of holy Scripture, or such like is, that the Church hath power in order to the spirituall good of soules to enioyne temporall punishments, and to commaund the faithfull not to conuerse ciuilly with Heathens, Publicanes, or notorious sinners, when otherwise by the law of nature they are not bound to conuerse ciuilly with them, whereof I neuer made any doubt. And therefore obserue, good Reader, the fraude and ignorance of this man, who pretended to prooue, that I contradicted my selfe in granting that the spirituall Superiour could command temporall punishments, but not inflict them, seeing that neither frō the reduction of temporall things to spiritual, nor from the nature & effects of Excommunication, nor from those places of holy Scripture, which he heere hath brought, he concludeth any other thing, then that Christians are commanded to account him an Heathen, and a Publican, who will not heare the Church: that the Apostle commanded the Corinthians, and Thessalonians not to eate with notorious sinners and disobedient persons: that S. Iohn commanded the faithfull not to receiue heretikes into their houses, nor so much as to salute them, all which I willingly granted, but of the other part of the contradiction, which was the principall thing he should haue proved, that I must consequently grant, that the spirituall Superiour can also in-

full temporall punishments, hee speaketh not one word.

84 For if a Christian should not obserue the aforesaid commandements, and will not account them for *Heathens* and *Publicanes*, who shall not heare the Church, if hee will eate and drinke with notorious sinners, and receiue heretikes into his house, and salute them, what punishments then can the spirituall Superiour inflict vpon such a person? can hee deprive him of his temporall life, libertie, dignities, or goods? can hee by temporall force whip him, send him into banishment or such like, or onely exclude him from the spirituall conuersion of the faithfull, deprive him of spirituall graces, dignities, and priuiledges, and command other *Christians* to account him as a *Heathen*, *Publican*, and notorious sinner? This is the maine difficultie betwix vs, which Mr. *Fitzherbert* cunningly passeth ouer with silence, and yet he would make his Reader beleue, that he hath sufficiently conuincd me of contradiction, in granting that the spirituall Superiour may command temporall punishments, but not inflict them, whereas of this second, which was the maine point, and onely question betwix vs, hee speaketh not one word in this place. And therefore consider, I pray you, *Dear Countreyemen*, what small reason you haue in a matter, which doeth so neerely concerne your conscience, your temporall ouerthrow, and the allegiance, which by the expresse commandement of *Christ*, you are bound to giue to *God* and *Cesar*, to rely vpon so ignorant, and vsuall-cere a man who so palpably, and wilfully seeketh to delude you.

85 Now you shall see the rest of his goodly Discourse, wherein he also setteth aside the law of *Nature*, as he did in the former paragraph, which neuertheless was the maine subject, whereof hee pretended to treat in this Chapter, and flyeth to the *holy Scriptures*; and the practise of the Church, but as fraudulently, and ignorantly as he hath done before. Moreover it is euident, saith he, ^m in the *holy Scripture*, that our Sauiour himselfe ⁿ drove the buyers and sellers out of the temple with whips, and Saint Peter inflicted the punishment of death ^o vpon Ananias, and Saphyra (whereof I shall haue occasion to speake more amply in the next Chapter) ^p and that S. Paul strooke Elymas the Magician blinde, ^q and deliuered the incestuous Corinthian ^r to the Deuill to bee corporally afflicted in interitum carnis, saith he, vt spiritus saluus fiat, for the destruction of the flesh, that the spirit may be saued: All which were corporall, and temporall punishments. Besides that the saide Apostle permitted the separation of man, and wife, when the same should be necessarie for the saluation of the soules of either of them; and the Church also doeth, and may in like case permit, and ordaine the same, not only for the benefite of the party innocent, but also for the iust punishment of the offender.

86 But truly it is an intollerable shame, that any Christian subiect to aduance so immoderately the Papall authoritie in so great preiudice

na Pa. 106. nu.

89.

tr Ioan. 2.

o Act. 5.

p Cap. 7. nu. 23

eq. seq.

q Act. 13.

r 1. Cor. 5.

L. Cor. 7.

dice of Regall Maieslie should vnder the cloake of Religion, and of zeale to the Sea Apostolike vse such friuolous, not to say, ridiculous arguments, and from the miraculous facts not only of the Apostles, but also of Christ himselfe conclude an ordinarie power in the Pope to doe the like. For the onely propounding of these arguments will sufficiently shew to any sensible man, how friuolous, and ridiculous they are. Our Sauour Christ, saith my Adversarie, *droue the buyers, and sellers out of the Temple with whips, and S. Peter inflicted the punishment of death upon Ananias, and Saphyra, or rather foretold, and prophesied their death,* as S. Hierome, and Abulenſis doe affirme, and S. Paul stroke Elymas the Magician blind, or at least-wiſe foretold his blindness, and deliuered the incestuous Corinthian to the Deuill to bee corporally tormented by him; therefore the Pope hath power to doe the like; as though becaule Christ, and the Apostles had an extraordinarie and miraculous power to inflict or foretell corporall punishments, we may rightly inferre, that the Pope hath an ordinarie power to inflict, or foretell the same. That these facts of S. Peter and S. Paul were miraculous no man can make any doubt, and that the driving of the buyers, and sellers out of the temple was also miraculous S. Hierome doth expressely affirme, and the reason, which hee bringeth, doeth evidently conuince the same: for marke his words.

By Many men, saith S. Hierome are of opinion, that the greatest signes our Sauour did, was that Lazarus was raised from death to life, that he that was blinde from his mothers wombe receiued his sight, that at Iordan the voice of the Father was heard, that hee being transfigured in the mountaine shewed the glory of a Triumpher. Among all the signes, which hee did this seemeth to me more wonderfull, that one onely man, and at that time contemptible, and so alueil that afterwards he was crucified, the Scribes and Pharises being in a rage against him, and seeing their commodities destroyed, he could with the strokes of one onely whip thrust out so great a multitude, and overthrow the tables, and break the chaires, and doe other things, which an infinite armie had not done. For some certaine fierce, and starry thing did glister out of his eyes, and the maieslie of Deitie did shine in his face. Besides, not only his countenance, saith Abulenſis, but also his voice might be terrible to them, as it was to those armed men, whom the Iewes sent to apprehend our Sauour, who hearing only those words, Ego sum, I am he, fell backward. Origen also attributeth this casting out of the buyers and sellers to a great miracle. Let vs consider, saith he, least that perchance it should seeme to bee out of square, that the sonne of GOD taking little coards doth make a whip to cast them out; yet one refuge is left, the diuine power of Iesus, that when he would hee could stop the anger of his enemies, although they were innumerable. And againe, This present historie, saith Origen, doth in nothing shew lesse power, then did those things, which were done by him more miraculously: for it is manifest, that this doth shew a grea-

Hieronom.
epist. 8. ad De-
metriad.
Abul. g. 97 in
c. 18. Mat. & q.
96. in cap. 20.

See Abul. g. 96
in cap. 20. Mat.

S. Hieronymus
in Math. 21.

Abul. g. 79. in
cap. 21. Math.

Ioan. 18. 1

Origen c. 2. Jo.

ter power, then the miracle, wherein water was turned into wine, for that there a matter without life doeth subsist, but heere the wits of so many thousand men are made lame, or overruled.

88 Also no lesse impertinent is that argument, which Mr. Fitzherbert bringeth from the separation of man, and wife: Besides that, saith he, the said Apostle permitted the separation of man, and wife, when the same should be necessarie for the saluation of the soule of either of them. And what then? I grant also, that spirituall Pastours may doe the like. For S. Paul did only permit, that if the wife, or husband being conuerted to the faith cannot remaine with the other consort who is not conuerted, without offence, or iniurie to GOD, or if the partie, who is not conuerted, will needes depart from the Christian, it is lawfull also for the Christian to depart, and marrie another: and the Church also may in the like case permit, and ordaine the same; for this is only to declare the law of GOD. But that which Fitzherbert addeth, that in the like case the Church may ordaine the same, not only for the benefit of the partie innocent, but also for the iust punishment of the offender, is repugnant to the common doctrine of Diuines; for the offender in S. Pauls case was an infidell, and not a Christian, who only, according to the common opinion of Diuines, can be punished by the Church; for what is it to me, saith S. Paul, *to iudge of them that are without, for them that are without GOD will iudge.* But if Mr. Fitzherb. meaning be, that the Church may permit, and ordaine the same concerning the separation of man; and wife, who both are Christians, which the Apostle did permit, and ordaine concerning the separation of man and wife, whereof the one is become a Christian, and the other remaineth still an infidell, this also is most vntrue. For the Apostle did not onely permit, that the conuerted wife might depart from the companie of her husband, who still remained an infidell, and would not conuerse with her without iniurie to the Creatour, but also that shee might dissolue the bond of matrimonie, although by carnall copulation it were consummated, and might marrie another husband, but the Church cannot dissolue the bond of matrimonie, if it be once consummated, betwixt man, and wife, who both are Christians, either for the punishment of the offender, or for the benefit of the partie innocent.

89 Neuerthelesse I doe not deny, that when both the man, and wife are Christians, and the one cannot liue with the other without danger of being drawne into heresie, or some other grievous sinne, the Church hath authoritie to command the partie that is in danger of being peruerted to leaue the companie of the other consort, and so by way of command to punish the offender, but this is nothing to that, which Mr. Fitzherbert pretended to prooue, to wit, that the Church hath power to inflict temporall punishments; and that I contradicted my selfe in granting that the spirituall Superiour might command temporall punishments, but

but not inflict them. For if the wife, or husband in this case of spiritual danger will still remaine with the other consort against the commandment of the Church, or rather against the law of God, and Nature, which do forbid all spirituall danger, can the Church in this case either dissolve the bond of matrimonie, or deprive them of the right, which either of them have to performe the acts of matrimonie, or else deprive the offender of his life, libertie, or goods, or only punish him by inflicting spirituall, or Ecclesiasticall censures? This is the maine difficultie, which is not so much as mentioned in all the arguments, and authorities, which Mr. Fitzherberts heere hath brought.

90 But now in the next paragraph it may seeme, that hee cometh somewhat neere to the point of the difficultie. And in like manner, saith hee, *there is no doubt, but that the Church may punish an heretike by discharging his children from their filiall, and naturall obligation to him, exempting them from his authoritie, when it shall bee necessarie for their spirituall good, as it may appeare by a Canon of the fourth Councell of Toledo, which ordaineth, that the baptized children of Iewes shall bee separated from their parents, least they may be infected with their error. And the like is to bee said of the discharge of slaves, and bondmen from the power, and authoritie of their Lords, when the said slaves are Catholikes, and their Lords Heretikes: for in that case the Church may not onely provide for the soule of the Catholike, but also iustly punish the hereticall Lord, by granting freedom to the slave. And for the same reason the Church hath power to discharge subiects from their bond of obedience, and allegiance to an hereticall Prince, when there is evident danger of their soules, and great detriment to the Church; for the bond of allegiance to the Prince is not greater then the obligation of the Sonne to the Father, the Wife to the Husband, and the slave to his Lord.*

pag. 106. mo. 20.

Concil. Toles. 4. can. 59.

See Molina de Injust. traff. 2. disp. 219.

91 But all this I did fully answer in my Appendix ^u to Suarez, of ^u Part. i. sec. 9. whom my *Aduersaris* hath borrowed these arguments. For albeite there be a naturall obligation, whereby children are bound to honour, and reuerence their Parents, and from which without doubt the Church hath not authoritie to discharge the children of an heretike, vnlesse my vnlearned *Aduersarie* will graunt, that the Church hath power to discharge one from that, to which hee is otherwise bound by the law of Nature, which is a Paradox in Diuinitie, as you may see in *Sotus, Valentia, Vasquez, Suarez, Salas*, and others who treat of lawes; in so much that *S. Thomas* and his followers, (whose opinion *Vasquez* and many others doe approue for the more probable) doe affirme, that God himselfe cannot dispence in the law of Nature, or in any naturall precept contained in the Decalogue, or ten Commandments, as is this, to honour Father and Mother. Neuerthelesse, what other naturall obligation there is besides this, by which children are by the law of nature bound to honour and reuerence their Parents, and from which the Church as

Sot. l. 2. de Injust. q. 2. ar. 8.
Valentia tom. 2. disp. 7. q. 4.
Vasq. in 1^{um} secundae tom. 2. disp. 179. cap. 2.
Suarez lib. 2. de Leg. cap. 14.
Salas q. 94. a. 3.

Mr. Fitzherbert saith, *hath authority to discharge the children of an heretike*, I thinke he himselfe doth not well vnderstand, but it seemeth he taketh *honour*, or *reuerence*, & *obedience*, which is due to Parents for all one, which neuerthelesse are very much different.

92 For all the *power* and *authoritie*, which Parents haue now *de facto*, to *command* their children (considering that both Parents and children are now *de facto*, euen in things belonging to the particular Family, or Oeconomie, parts and members of the Ciuill Common-wealth) is *ciuill*, and proceedeth from *ciuill authority*, and may be enlarged, diminished, altered, yea, and quite taken away by the temporall Common-wealth, or the supreme gouernour thereof: and all *obedience*, which children now *de facto*, being parts and members of the Ciuill Common-wealth doe owe to their Parents, is *ciuill* and dependeth vpon the lawes and ordinances of temporall Princes, by whom it may be enlarged, or restrained, or quite taken away: And therefore as Molina cited by my *Aduersary*, and the *Glosse* vpon the Ciuill law doe well obserue, *the authoritie, which Parents haue ouer their children introduced by the Ciuill law of the Romanes, from the time, as the Glosse saith, of Romulus*; the effects of which fatherly power, authoritie, or command the *Glosse* doth in brieffe, but *Molina* more at large set downe.

93 Wherefore the Reader may by the way obserue, that there is a great difference to be made betwixt the *power* and *authoritie*, which Parents now liuing in ciuill Society haue ouer their Children, & consequently the *obedience* of Children answerable thereunto, and the *power* and *authoritie* which the *Ciuill Common-wealth*, or the *supreme temporall Prince* haue ouer subiects, because all the *authority* and *command*, which Parents haue ouer their children, proceedeth from the *Ciuill Common-wealth*, and is wholly depending thereon, and not from the *law of nature*, and therefore the *obedience* which children owe to their Parents, supposing them to be Parents, cannot properly be called *naturall*, but *ciuill* obedience, but the supreme authoritie, that the temporall Common-wealth hath ouer her subiects, supposing the aduniting of men in Ciuill Societie, is euen according to Card. Bellarmines doctrine, deriued from the *law of nature*. Yea, also it is very *probable*, and affirmed by diuers learned men, as I haue shewed heretofore,* that the supreme power and authority, which *temporall Princes* haue ouer their subiects, doth also proceed from the *law of nature*, and prescript of naturall reason, although their *title*, or the *designing* of their persons to be *Princes* is not deriued from the *law of nature*, but from the Common-wealth it selfe: for which cause wee may truly and properly call that *obedience* which subiects owe to the ciuill Common-wealth, or the *Soueraigne Prince* thereof, not onely *ciuill*, but also *naturall obedience*, or *allegiance*, & consequently the bond thereof to be greater, then the obligation of the Sonne to his Father, the wife to the Husband, and the slaue to his Lord.

Molina tract.
2. de iustit.
disp. 237.
Glossa 5^{us}
autem Institut.
de patr. potest.
Glossa ibidem.
Moli. disp. 228.

Bellar. lib. 3 de
Laicis cap. 6.
x In Append.
contra D. Schul-
cken. calumnia
16. nou. 8.

94 Now to Mr *Fitzherberts* argument, I answered in the said *Appendix* to *Suarez*, that as the power and authority which Parents haue ouer their children, is granted to them by the ciuill Common-wealth, so also it cannot be taken away from them but by Ciuill authority. And therefore those *Canons* either of *Popes* or *Councils*, wherein children are exempted from the power, and authoritie, which by the Ciuill law their Parents haue ouer them, doe either confirme that which was first decreed by the Imperiall law, or they are made with the expresse or tacite consent of *temporall Princes*; or they doe onely declare the law of God and nature, to wit, that children are to forsake the company of their Parents, when by conuersing with them they are in danger to offend their Creatour. As when the Father is accounted to be dead *ciuilly* (either by some great sinne committed by him, as heresie, and treason, or otherwise, or if he make profession in an approued Religion, whereby he is accounted dead to the world) his Children are discharged by the Ciuill law from the power which he had ouer them, as you may see in *Molina*, in the place whereto my *Aduersary* remitteth his reader. For it is a rule of the Ciuill law that *naturall* and *ciuill* death are equiualent concerning *ciuill* acts, as noteth the *Glosse* vpon *Leg. si decesserit. ff. qui suis dare*. So likewise, if one be ordained a *Bishop*, he is discharged thereby from the power and authority which his *Father* hath ouer him, *Authent. de Sanct. Episcopis*, cap. 3. §. *Si uero contigerit*. And in this particular case which Mr. *Fitzherbert* here vrgeth, that decree of the fourth *Council* of *Toledo* was made by the authority and consent of King *Sisemundus*, as I haue shewed more at large in that *Appendix* against *Suarez*. Besides the decree of that Council, if it be vnderstood of *Children* which haue *discretion*, is onely a declaration, as I there obserued, of the law of *God* and *Nature*, whereby the baptized children of *Jewes* are freed not from the power or right which *Parents* haue ouer their Children, but onely from their company, for that the law of *God* and *Nature* forbiddeth all conuersation, whereby one may incurre probable danger of reuolting from the faith, or falling into any other sinne.

95 And the like is to be said of the discharge of slaues and bondmen from the company of their Lords, when the said slaues are Catholikes, and their Lords heretikes. For although these slaues, if they be in danger to be peruered, may by the law of *God* & *Nature* absent themselves from the company of their Lords, vntil the danger be past: as likewise a catholike wife may depart frō the company of her husband who is an heretike, if she be in danger of being peruered by his company, & this the Church hath power to declare, and command them vnder paine of spirituall Censures to performe: Neuerthelesse the Church hath no authority to dissolue the bond of Matrimony, or to take away

the right or fatherly power, which hereticall Parents haue ouer their Children, or to release the bond of slavery, by which Lords haue a right or dominion ouer their slaues. And therefore when the danger of being peruerred is past, the wife is bound to returne to her Husband, the Child to his Father, and the bondman to his Lord, vnlesse, by the authority of the *temporall Prince*, the Childe bee freed, from the right and power which his Father had ouer him, and the slaue from his bondage. And therefore *à fortiori*, and by a stronger reason the *Church* hath not authority to discharge subiects from the bond of obedience, and allegiance to an *hereticall Prince*, both for that this is a temporall and ciuill punishment, which therefore to inflict doth not belong to spirituall power, and also for that *temporall Princes* being in temporals next vnder *God*, cannot be temporally punished but by *God* alone, and also because this bond of allegiance is *naturall*, whereas the other obligations, by which a wife, a childe, a slaue, are bound to obey her husband, his Father, his Lord, is *ciuill*, and deriued from the *Ciuill Common-wealth*. Neuerthelesse, I doe not denie that the *Church* by a declaratiue precept may command the subiect to forsake the company of his *Prince*, yea, and perchance to depart the land, if by such staying he be in probable danger to be peruerred, yet still hee remaineth subiect to his *Prince*, and when this danger is past, he is bound by vertue of his *allegiance* to returne againe at the commandement of his *Prince*.

96 And by this it is manifest how grossely Mr. *Fitzherbert* is deceived in affirming so boldly, *That the bond of allegiance to the Prince is not greater then the obligation of the Sonne to the Father, the Wife to the Husband, and the Slave to his Lord*. Seeing that all the obedience which a Childe oweth to his Father, a Wife to her Husband, and a Slave to his Lord, they now liuing in ciuill Societie, and being parts and members of the ciuill Common-wealth, is *ciuill*, and dependeth vpon the authority of the *temporall Prince*, who may therefore extend, diminish, or quite dissolue the bond of obedience, although not of honour, and reverence, which the Childe oweth to his Father, and likewise the bond of obedience, although not of matrimony, by which the Wife is bound to her Husband; and finally, the bond both of obedience, and of seruitude, by which a slaue is bound to his Lord: But the bond of *allegiance*, whereby subiects are bound to obey the ciuill common-wealth, as *Cardinall Bellarmine* himselfe doth not deny, is *naturall*, and is due by the law of nature, as the power and authority of the ciuill common-wealth ouer euery part and member thereof, is in his opinion *de lege natura*, due by the law of nature: And therefore I doe not well vnderstand, how *Cardinall Bellarmine* can according to his owne grounds affirme, that the power, and authority of the ciuill common-wealth ouer euery particular member thereof, is *de lege natura*, due by the law

of nature, and consequently the obedience and allegiance of the subiect answerable thereunto, must also bee *de lege nature*, commanded by the law of nature, and withall maintaine, that the Church can deprive an hereticall common-wealth of her ciuill power and authoritie and absolute the subiects from their naturall allegiance, vnlesse hee will grant, that the Church may *absolue* from the law of nature.

97 Now by this which hath beene said, you may easily perceiue the insufficiency of all the rest, which Mr. Fitzherbert addeth in this Chapter. Now then, saith hee, in all these examples it is euident, that the Church disposeth of that, which is temporall to spirituall ends, and therefore my Adversary Widdrington hath no probabilitie in the world to deny, that a spirituall Superior may punish temporally, especially granting as hee doth, that he may command corporall, and temporall things, so farre forth as they serue the spirituall.

But contrariwise, as you haue seene, it is euident, that by none of all those examples he hath prooued that the Church, I doe not say, commandeth, but disposeth of that which is temporall to spirituall ends, or hath authority to inflict any temporall punishment, or to deprive any man of any temporall right, power, or authority for what end soeuer: And therefore Mr. Fitzherbert doth euidently discover his ignorance in affirming, that I haue no probabilitie in the world to deny that a spirituall Superior may inflict temporall punishments, or, which is all one, may punish temporally, and to graunt, as I doe, that he may command corporall, and temporall things so farre forth, as they serue the spirituall. For this distinction, which I haue sufficiently declared before, betwixt the *directiue* or commanding, and the *coercive*, or punishing power both of the spirituall and also of the temporall common-wealth, and the reason thereof *a priori*, which is taken from their proper acts and obiects (from which, according to the knowne principles of Philosophy, the essence, vnitie, and distinction of euery power is to bee taken) doth make plaine the whole difficultie, and quite ouerthroweth the comparison which Mr. Fitzherbert maketh betwixt the spirituall *directiue*, and the *coercive* power, or which is all one, betwixt the power of spirituall Pastours to command temporall punishments for spirituall ends, and to inflict them: and which in naturall reason is so cleere and perspicuous, that it cannot with any shew of probabilitie be impugned, but the more it is sifted and impugned, the more it appeareth plaine and manifest, as all true doctrine doth, as contrariwise falshood, the more it is examined, the more absurd it doth still appeare.

98 Besides that, saith Mr. Fitzherbert, Widdrington himselfe teacheth also in his Apologie, that spirituall things may come to haue the nature of temporall things, and temporall things of spirituall, by accident, that is to say (as he himselfe doth explicate)

2 Pag. 107.
no. 21.

a No. 153.
154 & 156.

reason

reason of some sinne annexed, whereof bee also giueth this example, when Ecclesiasticall persons doe apply their spirituall power to the hurt of the temporall state, or temporall men abuse their power to the preiudice of the spirituall; in these cases he saith, the temporall power and state becommeth subiect to the spirituall, and the spirituall to the temporall by reason of the iniury done, and offence committed, because temporall things doe thereby come to haue the qualitie of spirituall things, and the spirituall also of temporall. Thus teacheth he in his Apologie, and affirmeth the same in effect in his Theologicall Disputation.

b Cap. 3. sec. 1.
nu. 19.

99 That doctrine, which I taught in my *Apologie*, is very true, and cannot with any probabilitie in the world be denied; neither hath D. Schutckenius brought any one probable prooffe to impugn the same, but with railing speeches, slanderous imputations, and fraudulent cauills seeketh to ouerbear it, as I haue most cleerely shewed in the *Discovery* of his *Calumnies*. For whereas I affirmed, that as the spirituall power is not subiect to the temporall *per se*, but onely *per accidens*, by reason of vertue, or vice, which are the obiects of the spirituall *directiue* power, and are oftentimes found in temporall actions, so the temporall power is not subiect *per se* to the spirituall, but onely *per accidens* by reason of the conseruing, or disturbing of temporall peace, which are the acts and obiects of the temporall *directiue* power, and are sometimes found in spirituall actions, as in vniust Excommunications, and Interdicts, when by them great tumults and perturbations doe in the common-wealth arise, and in the euill administration of Sacraments, whereby death, or great corporall harme doth ensue: And as the spirituall Superiour may for the euill administration of temporall things, as they redound to the hurt of soules, punish all his subiects that shall offend therein, with spirituall punishments, which onely are the obiect of the spirituall *coercive* power, to the temporall Superiour (abstracting from the priuiledges of *Princes*, and the Canons of the *Church*, which doe exempt Cleargie men from the *coercive* power of Secular Magistrates) may for the euill administration of spirituall things, as they redound to the perturbation of temporall peace, punish all his Subiects that shall offend therein, with temporall punishments, which onely are the obiect of the temporall *coercive* power.

d Pag. 208. co.
292.

100 Now D. Schutckenius first affirmeth^d, that this doctrine is altogether intollerable, and cannot be affirmed but by one who is giuen to a reprobate sense; But how false and intollerable a slander this is, vnconscionable, void of all learning, and which could not be vttered but by one, who was wholly transported with some vehement passion, I haue sufficiently shewed heeretofore^e.

e In Append.
calumnia 11.

Secondly, he cauilleth at the similitude; for that, saith he, as throu

not the same reason of the flesh and spirit, of the body and soule, of sense and reason, of earth and heauen, of Beasts and Angels, of the sheepe and the Pastour, especially in the comparing of the subiection and dominion, so truly there is not the same reason of the temporall and spirituall power.

101. But who seeth not what a friuolous cauill this is? Who knoweth not, that the body, and the soule, sense and reason, earth and heauen, Beasts and Angels, Kings, and Popes doe agree, and are like in somethings, and that in those things wherein they agree, they may be compared together? What man of iudgement would disproue him, that should say, that as the body is an imperfect substance, and is referred to the soule, so the soule is an imperfect substance, and is referred to the body: as sense is sometimes subiect to reason, so reason is sometimes subiect, and captivated by sense, as the Pope is head of the Church, and of spirituall power, so the King is head of the ciuill common-wealth, and of ciuill power: and to omit that saying of the auncient *Glosse*, which Cardinal *Bellarmino* with small reuerence to antiquity affirmeth, *to be razed out of the Canon law for dotting olde age*, who can iustly mislike the like assertion of the *Glosse* vpon the twelfth Chapter of *S. Marke*, *As the King of France is subiect to the Bishop of Paris in spiritualls, and his Lord in temporalls, so Christ is the sonne of David according to the flesh, and his Lord according to his Dietie*? What man of learning can deny, that although there be not the same reason of *Christ*, and *David*, of the *Bishop of Paris* and the *King of France*, of the temporall common-wealth, and the spirituall concerning the particular manner of subiection and dominion, yet in generall they may agree in this, that the one is superiour and subiect to the other, in a diuerse kind of superioritie and subiection; and that although the *King of France* be a sheepe, and the *Bishop of Paris* a spirituall Pastour, and *David* be a man, and *Christ* be God, and the spirituall common-wealth be more excellent then the temporall, yet they may be compared one with the other in diuers kindes of superioritie and subiection. But in such childish arguments, and which are not worth the answering, for want of better *D. Schulckenius* maketh great force.

102. Secondly, how vntue it is which this *Doctour* so boldly affirmeth, and which is one of the chiefe pillars, whereon his doctrine concerning the Popes power to depose Princes is supported, that the temporall power is per se subiect to the spirituall, and that the spirituall power, or spirituall Pastours are not per accidens, and by reason of vnjust perturbing the publike peace subiect to the temporall power, I haue shewed at large in the second part, where I haue conuincid, that this naturall subiection and subordination of the temporall power to the spirituall, except only in perfection, and excellencie, is a meere fiction, and that to affirme, as this *Doctour* doth, ^h that Bishops are exempted omni iure from the ciuill

f *Patricius est Pater Papæ in temporalibus sicut Papa est Pater Patricij in spiritualibus.*

g *Bell. contra Barla. c. 13. 16*

h *Page. 101.*

power

power is a most false, and intollerable doctrine, and generally repugnant both to the doctrine of the ancient Fathers expounding that place of the Apostle, *Omnis anima &c.* Let every soule be subiect to higher powers, and to the common opinion of the Divines, and also the Jesuites, who affirme, that Cleargie men are not de facto exempted from the directiue power of temporall Princes, and that they are bound to obserue their lawes: not only by force of reason, but also by force, and vertue of the law.

103 Now Mr. Fitzherbert in like manner being not able to proue, as you haue seene, this his fained naturall subordination of the temporall common-wealth to the spirituall; except only in perfection, worth, and excellencie, as spirituall things are more excellent then temporall, which is nothing to the purpose, and denyed by no man, and hauing brought not so much as one prooffe, that the temporall power, and spirituall doe make one body, but barely, and briefly supposeth the same, whereas about in the second part I haue evidently conuincd the contrarie, euen according to Card. Bellarmine's owne grounds, yet he feareth not to impeach of absurditie and impietie this doctrine, which denyeth the aforesaid subordination and vnion, thinking belike, silly man, that his bare, I say, is sufficient to satisfie the vnderstanding of the iudicious Reader. But I let passe, saith he, ⁱ Widdringtons absurd, and impious doctrine, destroying the naturall subordination of temporall things to spirituall, when they are ioyned in one body, (which I haue amply ^k proued euen by the law of Nature) and I only wish to be obserued, that albeit we should grant it to be true (as it is most false) that spirituall, and temporall things may take the nature, the one of the other equally, by reason of some sinne annexed, yet it would follow thereon, that the spirituall Superiour may punish euen in temporall things, because according to this doctrine, temporall things doe become spirituall, when the consideration of sinne entereth, whereby also they are made proper to the spirituall communitie, and consequently may be vsed, and applied by the spirituall Superiour to the punishment of his subiects.

i Pag. 108. num.
22.
k Supra. num.
2. 3. & seq.

104 But first, to let passe, that Mr. Fitzherbert throughout this whole Treatise hath shewed himselfe to be a very vaine, absurd, ignorant, and fowlemouthed man, and that heere he hath proued nothing else by the law of Nature, then that spirituall things are to be preferred before temporall things, as the more perfect before the lesse perfect, the soule before the body, religion before policie, heauen before earth, and God before the world, and consequently that the temporall common-wealth is in perfection, worth, and excellencie, but not in authoritie subiect to the spirituall, which no man calleth in question, why doth he adde out of his owne braine that word [equally] except only to cauill, and to perswade his Reader, that I affirmed that spirituall and temporall things may be compared together not only in generall, but also in euery point in particular, and that betwixt them there is no difference

partie as all: seeing that I did not vse that word [*equally*] but the doctrine which I taught was this, that not only *temporall* things by reason of some sinne annexed may oftentimes take the nature of *spirituall* things; and therefore may be forbidden by the spirituall power of the Church, which hath for the object of her *directiue* power, vertue and vice in what actions soeuer either temporall, or spirituall they are to be found, and consequently may be punished also by the Church with Ecclesiasticall Censures, which only are the object of her *coercive*, or punishing power: but also *spirituall* things, by reason of some vnlawfull disturbance of the publike temporall peace annexed vnto them, may sometimes take the nature of *temporall* things; and therefore may be forbidden by the temporall power of the Ciuill common-wealth, which hath for the object of her *directiue* power the procuring, and maintaining of publike peace, and the shunning of all vnlawfull disturbance of this temporall peace, in what actions soeuer either temporall or spirituall they are to be found; and consequently may be also punished (if we abstract from the priueledges of Princes, and Ecclesiasticall Canons) with temporall punishments, which only are the object of the temporall *coercive* power. For what sensible man can deny, that *temporall* Princes haue authoritie, if we regard the nature and objects of temporall power, to forbid all men whatsoeuer, that are subiect to their *directiue* power, as also, according to the common doctrine of *Divines*, are *Clergie men*, not to disturbe wrongfully the publike temporall peace by any actions whatsoeuer, and to punish all them, that shall transgresse their iust command, and are subiect to their *coercive* power, with temporall punishments: and that when the *temporall* Prince forbiddeth all vnlawfull poysonings, the vnlawfull poysoning of men by *spirituall* actions, as by baptizing with poisoned water is not contained vnder this command?

105 *Secondly*, it is not true, that granting once as I often doe, that *temporall* things may take the nature of *spirituall* things by reason of sinne annexed, it must follow thereon, as Mr. Fitzherbert concludeth, that the *spirituall* Superiour may punish in *temporall* things, or, which he taketh for all one, may inflict *temporall* punishments: and the perspicuous reason heereof I alledged before: for although *temporall* punishments doe become *spirituall* things, when the consideration of sinne entereth, for which they may be subiect to the *directiue* power of the Church, which hath for her object vertue, or vice, and consequently they may be commanded, or forbidden by the spirituall power of the Church, as it is *directiue*, yet still they remaine *temporall* punishments which are only subiect to the *coercive*, or punishing power of *temporall* Princes; and therefore cannot be vsed, or inflicted by the *coercive*, or punishing power of the Church, which hath for her object spirituall, or Ecclesiasticall

asticall Censures, and not temporall punishments. Wherefore vnlesse the consideration of sinne can make, which is impossible, *temporall punishments* to be, I doe not say, *spirituall things*, but *spirituall punishments*, it can neuer make *temporall punishments* to be the object of the spirituall power, as it is *coercive*, although it maketh them to be the object of the spirituall power, as it is *directive*. But my Adversarie by not distinguishing these two powers, and their proper acts, and objects would blind the vnderstanding of his vnlearned Reader with a confused reduction of temporall things to spirituall, which this distinction of the *directive*, and *coercive* power, and the proper acts, and objects of either of them doth make most plaine, and manifest.

1 Pag. 118.
nu 23.24.

Rom. 12.

106 *Also if temporall things*, saith Mr. Fitzherbert ¹ *may be come spirituall* by reason of sinne annexed, *why shall they not also have a spirituall nature, and qualitie by the connexion of some vertue, and (pecially when they are applied, as I have said before, to a spirituall end, as to the service and glory of God, which is the end of all things spirituall, and temporall: to which purpose it may be obserued, that S. Paul exhorted the Romaines to exhibit their bodies, hostiam viuentem, sanctam, Deo placentem, &c. a living sacrifice, holy, and pleasing God, giuing to vnderstand, that our bodies, goods, and what temporall thing sooner is subiect to our soule (being dedicated and applyed to Gods service, and the good of the soule) is sanctified thereby, and becommeth spirituall: Whereupon it followeth that whensoever a spirituall Superiour punisheth his temporall subiects in their bodies, or goods for satisfaction of their sinnes, and for the service of God, and the Church, and the good of soules, their corporall and temporall punishments becommeth spirituall by reason of the end, and the vertue annexed, and consequently is most lawfull and iust enen according to my Adversarie Widdringtons owne doctrine.*

1. Pet. 2.

107 *Whereto I also adde, that whereas Widdrington saith, that euery Superiour may punish his subiects with penalties proportionate to his authoritie, he must needes grant the same in this case: for albeit temporall goods haue no naturall proportion with spirituall things, yet they haue a morall proportion therewith, because they are notable instruments of good works, in which respect S. Peter calleth Almes, and other good works spirituall Hostias, spirituall Sacrifices, albeit they consist in the vse and employment of temporall things; and therefore when temporall things are necessarie to a spirituall end, they may be disposed of by the Church, as proportionate to the end whereto they are necessarie.*

108 No man maketh any doubt, but that *temporall things* may become *spirituall* not only by reason of sinne, but also of vertue annexed, especially when they are applyed to a spirituall end, as to the service and glory of God, who is the end of all things spirituall, and temporall: and therefore when one doth punish his body by fasting, discipline, hairecloth,

hairecloath, or such like for the satisfaction of his sinnes, and for the service of God, although they be *corporall punishments*, yet they are vertuous actions, and in that regard *spirituall things*, and consequently subiect to the spirituall power of the Church as it is *directiue*: But from hence it doth not follow, that these temporall punishments by reason of vertue annexed doe become *spirituall punishments*, but only vertuous actions, and in that regard *spirituall things*; for still they remaine *temporall punishments*, and therefore not subiect to the spirituall power of the Church as it is *coercive*, which hath for her obiect only the vling and inflicting of Ecclesiasticall, or spirituall, nor temporall, or Ciuill punishments. Wherefore a spirituall Superiour hath no authoritie by the institution of Christ to punish in body or goods. for any end whatsoever by way of constraint, his spirituall subiects, whether they be Clerkes, or Lay-men (whom Mr. Fitzherbert improperly calleth his temporall Subiects, for although they be temporall men, yet comparing them to spirituall Superiours, they are spirituall, not temporall Subiects) for that the obiect of the spirituall *coercive* power aie not temporall, or corporall, but only spirituall Censures, or punishments: although he may, as I said, command such corporall punishments, when they are necessarie for the good of the soule, in which case they become *spirituall things*, to wit, vertuous actions, which are the obiect of the spirituall *directiue* power. But the cause of Mr. Fitzherberts error is, for that he doth not distinguish betwixt *spirituall* or *temporall things*, and *spirituall* or *temporall punishments*, and betwixt the acts, and obiects of the *spirituall directiue*, and of the *spirituall coercive* power: for although *temporall punishments* by reason of vertue annexed doe become *spirituall things*, that is, vertuous actions, and therefore subiect to the spirituall *directiue* power, yet they doe not become *spirituall Censures*, and therefore not subiect to the spirituall power, as it is *coercive*, but they still remaine *temporall punishments*, which are the obiect only of the *temporall coercive* power.

109 Wherefore that also, which he addeth, that every Superiour may, according to my doctrine, punish his Subiect with penalties proportionate to his authoritie, is very true; but he must still distinguish betwixt the *directiue*, and *coercive* power, or authoritie, and in what manner *temporall punishments* are proportionate to either of them. For because as well temporall as spirituall punishments may be vertuous, or vicious actions, therefore they are proportionate to the *spirituall directiue* power, whose proper acts and obiects are the commanding of vertue, and the forbidding of vice, but because not the commanding either of temporall or spirituall punishments, but only the actuall punishing with Ecclesiasticall censures, or the inflicting of spirituall punishments, is the proper act, and obiect of the *spirituall coercive* power, therefore
the

the inflicting onely of spirituall punishments, and not of temporall is proportionate to the spirituall *coercive* power. From whence it evidently followeth; that the Church for a spirituall end may command temporall things, but not dispose of temporall things: may command one to giue Almes for the satisfaction of his sinnes, but may not take away his purse from him to giue Almes for that end, may commaund one to punish and macerate his body, when it rebelleth against the soule, but not inflict vpon him corporall punishments for the same end.

III And by this also all the rest, which Mr. Fitzherbert addeth in this Chapter is clearely answered, and the manifest absurditie, which hee would put vpon mee, doth manifestly fall vpon himselfe. But now (saith he) ^m if together with all this we consider the naturall subordination of temporall things to spirituall (whereof I haue sufficiently treated before) Widdringtons absurdity will be most manifest, as well in denying, that the spirituall Superiour may punish his subiect in his person or temporall goods for a spirituall end, as in affirming that the spirituall power may become subiect to the temporall, no lesse then the temporall to the spirituall, as though there were no subordination or subiection of the one to the other; wherein he peruersteth the whole course of Nature, no lesse then if he should say that in some cases the soule may be subiect to the body, heauen to earth, religion to policie, Angels to men, and God to the world; whereby you may still see what probable arguments, and answers he affordeth his Reader, for the assurance and security of their consciences, and that he had great reason to protest (as you may remember I haue signified in the Preface) that his meaning is not to lay downe any demonstrations or infallible arguments for the prooofe or defence of his opinion.

III Fortruely all that he saith, doth demonstrate nothing else, but the weakenesse of his cause, and his owne wilfulnesse, if not of malice, in defending such an improbable and extranagant Paradoxe as this is, which hee holdeth and defendeth contrary to the vniuersall and continuall custome of the Church, grounded vpon the holy Scriptures, the practise of the Apostles, and the decrees of Popes, and Councils, and finally contrary to the whole course of the Canon law; as it will evidently appeare in the ensuing Chapters: and as Cardinall Bellarmine against Barclay, and Doctour Schulckenius in his late Apologie for the Cardinall, and diuers others haue sufficiently shewed: and amongst our learned Countrymen Mr. Doctour Weston hath clerely & soundly proued it in his booke intituled Iuris Pontificij Sanctuarium, wherein he battereth all the foundations of my Adversarie Widdringtons doctrine, and fully confuteth him, as well in all other points, as in this, touching the Popes power to punish temporally, which he doth learnedly and amply demonstrate, as well by the holy Scriptures, as by many examples of the Churches practise, to wit, by diuers kinde of diuorces,

m Pag. 109.
nu. 25. 26. 27.
n Supra num. 1
3.4. & seq.

See Preface
num. 9.
See also the
answere ther-
to, nu. 9. & seq.

o Quest. 17. 18.
19. 20. 21. &
22.

by

by the relaxation of debts, exemption of children from the power of their parents, the abrogation of temporall and Civill lawes, the dissolution of contracts, and bargaines, and finally, by the imposition of temporall penalties, almost v-
suall, and ordinarie in the practise of the Church, as hee sheweth very
particularly by the Ecclesiasticall Canons. I forbear for breuities sake to
prosecute these points in particular; only I shall haue iust occasion to treat now
and then of the infusion of temporall penalties, in answer of my Aduersaries
pertinent obiections out of the Canons, and Canonists, which I hope may suf-
fice, for as much as I haue undertaken to performe in this brieve Reply.

112 But all that my Aduersary heere obiecteth I haue already
sufficiently confuted. And first I haue cleerely conuincied, that there is
no naturall subordination of the temporall power to the spirituall, ex-
cept in nobilitie, and therefore that neither the spirituall power, spea-
king properly, and in abstracto, is subiect to the temporall, nor the tem-
porall to the spirituall, except, as I said, in worth, excellency and nobi-
litie, wherein the spirituall doth excell, but not in authoritie, wherein
they are both supreme, vnlesse my Aduersaries will grant, that tempo-
rall Princes are not supreme, and absolute in temporall matters, and
spirituall Pastours are not supreme and absolute in spirituall causes,
which is a Paradox in true Diuinity. Secondly, I haue proued also most
plainly, that not onely temporall Princes, being parts and members of
the spirituall kingdome, or Church of Christ, are subiect to spirituall
Pastours in spirituall things, but also spirituall Pastours, being parts and
members of the temporall common-wealth, are subiect to temporall
Princes in all temporall things, except wherein the law of God, or man
hath exempted them: and to affirme the contrary were to peruert the
whole course of Nature, no lesse then if one should say, that members
are not subiect to the whole body, and to the head thereof, the bodie
and soule to man, heauen and earth to the whole world, religion,
pollicy, men, Angels, and the whole world to God. Whereby you still
see what improbable arguments & answeres my Aduersary affordeth
his Readers for the assurance and securitie of their consciences in a
matter belonging to their obedience due to God, and Caesar, and which,
forsooth, he will needes haue to be a point of faith, to the prooffe where-
of it is not sufficient to bring probable arguments, but conuincing de-
monstrations, as contrariwise it sufficeth to bring probable arguments,
and probable answeres to prooue any doctrine not to be certaine, and of
faith, as I haue shewed more amply in the answer to his Preface, where-
to heere he remitteth his Reader.

113 For truly all the effectuell prooffes, and cleere demonstra-
tions, which hitherto he hath brought, are only to demonstrate both
the weakenesse of his cause, and also his fraud and ignorance, in dis-
sembling the true state of the question in almost euery particular diffi-
culty,

Onuphr. lib. 4.
de varia creat.
Ram. Pont.

cultie, and confounding his Readers vnderstanding with ambiguous words, and sentences, which being once explained, and the ambiguity of them laid open, doe forthwith discouer either his want of learning, or sinceritie, as you may see almost in euery Chapter. Neither is this his new coined Catholike faith concerning the Popes power to depose Princes, agreeable to the vniuersall, and continuall custome of the Catholike Church; both for that this custome, I doe not say, of the Church, but of some Popes to depose Princes, began first by Pope Gregorie the seventh, who was the first Pope, saith Onuphrius, that contrarie to the custome of his Ancestours deposed the Emperour: A thing vnhard of before that age: and also for that it hath beene ever euen vnto this day contradicted by learned Catholikes; and therefore neither in regard of time, or persons can it bee called vniuersall: neither can it be conuincd either by the holy Scriptures, the practise of the Apostles, the decrees of Popes, or Councells, or any one constitution of the Canon law. What Cardinall Bellarmine hath proued against D. Barclay, hath beene answered by Mr. Iohn Barclay, to whose booke neither Card. Bellarmine, nor any other for him can in my judgment make a sufficient Reply; and what D. Schulkenius hath proued against me; you haue seene partly in this Treatise, and partly in the Discoverie of his calumnies, wherein I haue cleerely shewed, all the arguments he bringeth to accuse me, and my doctrine of heresie, to be slanderous, and himselfe to bee void of all Christian sinceritie, modestie, iustice, and charitie.

114 And as for D. Weston, because his zeale is so furious, his railing so intemperate, and his arguments of so little force, and for that very few of our Countrymen, for ought I can learne, are greatly moued, but most men much scandalized with his vncharitable, vnlearned, and immodest Reply, howsoeuer Mr. Fitzherbert expecting belike the same from him doth so exceedingly extoll it, I thinke it neither needefull, nor expedient, (vnlesse I should answer him in his railing humour, according to the aduice of the wise man, *respondeas Stulto in xta stultitiam suam*, which some vncharitable spirits, who seeke all meanes to disgrace me, would quickly reprehend in me) to make him any formall answer, especially seeing that all the arguments hee hath scraped together, (the chiefe heads whereof are heere in generall mentioned by my Adversarie, to wit, the holy Scriptures, and many examples of the Churches practise, as diuers kinde of diuorces, relaxation of debts, exemption of children from the power of their Parents, the abrogation of temporall, and Ciuill lawes, the dissolution of contracts, and bargaines, the imposition of temporall penalties, and the right which spirituall Pastours haue, to haue corporall maintenance, and to take water to baptize children) haue beene by me alreadie either in particular, or in generall sufficiently answered.

115 For *first* his arguments taken from the authoritie of the holy *Scriptures* I haue answered in particular: and *secondly* all his other proofes, and examples, which are grounded vpon the practise of the *Church*, and the *Canons* of *Popes*, or *Councells*, are to be vnderstood either of the disposing of spirituall things (as of the conditions, and impediments of *Matrimonie*, which is not a meere ciuill contract, but also a *Sacrament*, and spirituall contract representing the vnion and coniunction of *Christ* our Sauour with the mysticall body of his *Church*: and therefore because it is both a *Sacrament*, and also a ciuill contract, it is now the more common opinion of *Diuines*, & that *Secular Princes*, if wee regard the nature of ciuill power, haue also authoritie to ordaine the conditions, and impediments of *Matrimonie* as it is a ciuill contract: And although the *Popes* haue now reserved to themselues all causes belonging to *Matrimonie*, in so much that *Christian Princes* cannot now lawfully dispose of the conditions, and impediments of *Matrimonie*, yet *Petrus a Soto* is of opinion, that the *Pope* cannot deprive *Princes* of this their ciuill authoritie, but that they of their owne accord, and moued by pietie haue yielded to this reseruatiō of the *Pope*, in regard that marriage is not onely a Ciuill contract, but also a *Sacrament* of the *Church*) or else they are so to bee vnderstood, that they did confirme the Imperiall, and Ciuill lawes, or that they were made by the authoritie and expresse, or tacite consent of *temporall Princes*, or that they did declare the law of *God*, and nature, by which wee are commanded to auoide all probable danger of sinne; or that they did only command, and enioyne, not inflict temporall penalties; or *finally*, that they did only argue a priuate right to some temporall thing, but not by way of authoritie, or superioritie to dispose of the same, as not onely *Priests*, but also priuate lay men may lawfully take another mans water to baptize a childe in extreame necessitie, and spirituall *Pastours* haue a right to bee corporally releued by them, to whom they minister spirituall things, as Saint Paul prooueth, 1. Corinth. 9. and in the ende concludeth, *So also our Lord ordained for them that preach the Gospel to liue of the Gospel.*

116 And can any iudicious man perswade himselfe, that if Mr. *Fitzherbert* had thought in very deepe these arguments of *D. Weston*, to bee such conuincing proofes, and demonstrations, as in words hee boasteth, he would for breuities sake haue forborne to vrge some of them in particular, seeing that hee did not forbear for breuities sake to take the greatest part of sixe or seuen chapters of this his *Raphe*, which containeth only seuentene Chapters in all, out of *Fa Lesson*, masked vnder *D. Singletons* name, concerning the *Canon* of the *Council of Lateran*; and by that decree touching the exemption of Chil-

p See Zanche.
lib. 7. de matrim.
disp. 3.


Petr. Sot. lec. 4
de matrim. ver.
sus finem.

dren, which he hath singled out of the rest (for that, as I imagine, it was also greatly urged by Fa. Suarez,) to which aboute I have fully answered, you may easily coniecture, what kinde of demonstrations are contained in the rest. Wherefore to conclude this Chapter, if the Reader will but briefly reduce to some syllogisticall forme, or methode, all the Rhetoricall flourish, which Mr. Fitzherbert hath heere made concerning the law of Nature, it will presently appeare, that hee hath prooved nothing else by the law of Nature, then that spirituall things are more perfect, excellent, and worthie then temporall, and that the temporall common-wealth is in perfection, worth, and nobilitie subject, and subordinate to the spirituall, but that Religious Priests have authoritie to punish the Civill Common-wealth or supreme government thereof, especially with temporall punishments, he hath no way proved by the law of Nature, but the flat contrarie I have most cleerely convinced, for that in the Law of Nature the Civill Common-wealth is selfe had the supreme authoritie to dispose of all things, not only concerning State, but also Religion.

CHAP. VII.

Wherein certaine places of the old and New Testament are explained: D. Schulckenius Reply to the answer I made to those wordes, Whatsoever thou shalt loose, &c. and Cardinall Bellarmines second reason, and Fa. Parsons answer to the Earle of Salisbury grounded thereon, and other arguments brought by M. Fitzherbert from the examples of Ananias and Saphyra, and of others, and from the practise of the Church, and from the person of man, are cleerely confuted.

2 Pag. 113.

1.  HE seventh Chapter Mr. Fitzherbert beginneth in this manner. Now let vs see, saith he, how my Adversarie Widdrington proceedeth, who having given his reason (though so weak as you have heard) why hee thinketh it to bee against reason, that a spirituall Superiour should punish temporally, undertaketh to answer one place, onely attended by me out of the old law, and foure out of the new, omitting to say any thing else in particular to all the other places, and arguments, which I urged out of the law of God, and Nature.

2. But first it is not true, as Mr. Fitzherbert saith, that I gave any reason at all, why I thought it to bee against reason, that a spirituall Superiour

perious should punish temporally, for I neuer thought this to bee *against* naturall reason. That which I affirmed onely was, that true reason doeth teach, that euery Superiour hath power to punish his subiect with some punishment proportionate to his authoritie, to wit, by depriving him of those goods, which are proper to that Communitie, whereof hee is Superiour; but that any other Superiour besides the supream Governour of the ciuill common-wealth hath power to punish his subiects with death, mayming, or deprivation of temporall goods, it cannot bee deduced from the necessarie rule, or prescript of true reason; This was that I said: Now what man of learning that knoweth the difference betwixt *contra naturam, secundum naturam, præter* and *supra naturam*, that is, *against nature, according to nature, besides and above nature*, would affirme, that because I thinke, it cannot bee deduced from the law of *Nature*, or the prescript of true naturall reason, as Mr. Fitzherbert pretended to prooue, that a spirituall Superiour may punish temporally, therefore I must thinke, that it is *against Nature* that a spirituall Superiour may punish temporally; as though this proposition, *It cannot bee prooued by the law of Nature, that a spirituall Superiour may punish temporally*, doth according to his logicke necessarily inferre, that therefore it is *against the law of Nature that a spirituall Superiour may punish temporally*. For I make no doubt, but that Christ our Saviour might if it had pleased him, haue giuen authoritie, as I am fully perswaded hee hath not, to spirituall Pastours to punish temporally, and so in this case hee had granted nothing *against the law of Nature, or against* the prescript of true naturall reason, but only *above Nature*, and the light of naturall reason, yet in this case it could not bee prooued by the law of *Nature*, but only by the *positive institution*, and law of *Christ*, that spirituall Pastours haue authoritie to punish temporally. Wherefore the law of *Nature* hath neither commanded, nor forbidden, hath neither giuen, nor denied to spirituall Pastours authoritie to punish temporally, but if they haue any such authoritie, it must be giuen them by the positive grant of God, or man, and consequently it is neither *against*, nor *according*, but *above*, or *besides the law of Nature*, that spiritual Pastors should haue any such authoritie to punish temporally.

3 *Secondly*, the reason why I omitted to say something in particular to euery part of his idle Discourse in this *Reply* of his, but answered onely some certaine arguments drawne from those *six* generall heads, to wit, from the *old law*, and the *new*, the law of *Nature*, and *nations*, the *Canon*, and the *Ciuill law*, was not for that I could not answer particularly euery one of them, as the Reader may see by this Treatise, wherein I haue answered his whole *Reply*, and euery part thereof; but the reason was, for that neither the breuitie of such a short *Admonition*, nor the *Printer*, who had then finished the whole *Dis-*

putation, would hardly permit me to make so long a *Discourse*, as there I made; and therefore I chose out of purpose certaine arguments drawne from each one of those *sixe* severall heads, which I thought to bee the strongest, and which being answered, the iudicious Reader might easily perceiue how all the rest might in the like maner be fully satisfied.

4 Now you shall see what he obiectioneth against that which I there did answer. And first he setteth downe my words, which are these:

“ *Fifty*, he that will diligently consider the vnder written sentences of S.
 “ *Augustine*, and Cardinall *Bellarmino* will presently perceiue what a for-
 “ cible prooffe can bee deduced from that of *Deuteronomie* the 17. and
 “ such like places of the Old Testament, which is a figure of the new. Ex-
 “ communication, saith Cardinall *Bellarmino*, bath that place in the Church
 “ which the punishment of death had in the Old Testament; and which the
 “ Common-wealth bath in temporals. And Saint *Augustine* saith, that
 “ Excommunication doth this now in the Church, which killing or death did
 “ then in the Old Testament. In which place hee compareth that which
 “ was said in the 24. of *Deuteronomie*, He shall be slaine, and thou shalt take
 “ away the euill from amidst thee, with that which the *Apostle* saith 1 Co-
 “ rinth. 5. *Auferte malum ex vobis ipsis*, Take away euill from among your
 “ selues. And Saint *Augustine* teacheth in another place, That the ma-
 “ teriall sword which Moyses and Phinees used in the Old Testament, was a
 “ figure of the degradations and excommunications which are to be used in the
 “ new law, seeing that in the discipline of the Church, saith S. *Augustine*, the
 “ visible sword shall cease.

Bellar. lib. 2.
 de Ecclesia
 cap. 6.
 S. August. 9.
 39. in Deut.

S. August.
 lib. 2. de fide,
 & operibus
 cap. 2.

b Psal. 113.
 nu. 2.

c Num. 18.

5 To this my answer Mr. *Fitzherbert* replyeth^b, in this manner. Thus saith my *Adversary* Widdrington, wherein he rather fortifieth and strengthneth our cause, then weakeneth or hurteth it any way. For if you note well what Widdrington saith, and inferreth, he prooueth nothing else, but that the penalty of temporall or corporall death is not now inflicted in the new Testament, as it was in the old, and that the same is now turned to the spirituall death of the soule by Excommunication, which we denie not. But will he inferre hereupon, that therefore the Church cannot now inflict other temporall penalties? So should he make a very absurd inference, especially seeing that the penalty of Excommunication, which, as he himselfe granted, supplyeth the place of corporall death, includeth a temporall punishment, by the separation of the delinquent from the conuersation of men, and from diuers other temporall commodities, as I haue shewed in the last Chapter^c.

6 But truly I cannot but smile to see the vanitie of this man, who though he see himselfe altogether vanquished, yet he boasteth that hee is victorious, and although he clearly perceiueth, yea, and almost expressly confesseth, that his argument taken from the words of *Deuteronomie* the 17. Chapter to be quite ouerthrowne, yet hee braggeth that his cause is not thereby weakened or hurt any way, but rather fortified

fortified, and strengthened. For if you note well what he granteth, to wit, *That the penalty of corporall death is not now inflicted in the new Testament as it was in the olde, and that the same is now turned to the spirituall death of the soule by excommunication*, you cannot but clearly see that his argument taken from *Deuteronomy* the 17. Chapter, which onely text in particular I vndertooke to answere, and which speaketh onely of corporall death, is quite ouerthrowne: and yet, *forsooth*, I doe hereby rather fortifie and strengthen, then weaken or hurt any way his cause: By which you may plainly perceiue what credit is to be giuen to the rest of his vaine-glorious brags, seeing that in this so manifest an overthrow of his argument, taken from the words of *Deuteronomie* the 17. he is not ashamed to boast that I haue rather fortified and strengthened then weakened or hurt any way his cause. But will Widdrington, saith he, *inferre hereupon, that therefore the Church cannot now inflict other temporall penalties?* So should he make a very absurd inference, especially seeing that the penalty of Excommunication includeth a temporall punishment, &c. The inference that Widdrington maketh is, that from the wordes of *Deuteronomy* the 17. which speake onely of corporall death, Mr. Fitzherbert hath brought no good argument; for that according to the doctrine of Saint *Augustine*, and Cardinall *Bellarmino*, which hee himselfe also will not denie. *The penalty of corporall death is now in the new law turned to the death of the soule by Excommunication.* Neither is it true, that Excommunication, being of it own nature a separation from the Ecclesiasticall conuersion of the faithfull, doth of it owne nature include any temporall punishment at all, as also I haue shewed in the last Chapter, albeit I doe not denie that the Church hath now by way of command, annexed to Excommunication some temporall penalties, but not by way of inflicting them, as I declared in that place, for I euer granted that the Church hath power to command, enioyne, or impose temporall punishments, but not to inflict them: yet these two to command, and to inflict, to impose, and to dispose, my Adversary doth commonly confound.

7 Besides that, saith Mr. Fitzherbert, ^d it is eident, that in the olde Testament euen the temporall Princes themselues were punished by deprivation of their right to their temporall states, and dominions, as ^e Saul by Samuel, ^e 1 Reg. 16. *Athalia* ^f by Ioiada, Ioram & by one of the children of the Prophets, who being sent by Elizeus annointed Iehu King of Israel, to the end he might destroy Isebel, & all the house of Achab. Also Ozias was not only corporally expelled out of the temple by the Priests, & confined by their sentence to liue privately in his own house, but (according to the opinion & doctrine of S. Chrysostome) brought also to haue bene wholly deprived of the gouernment, as I haue signified before ^h at large. And therefore seeing he telleth vs how the penalty of corporall death (which was ordained in the olde Testament) is now fulfilled ^h Cap. 5. no. 12. & 22. *spiritually in the new; let him also tell vs, to what spirituall punishment the*

deprivation

deprivation of Princes right to their states, and other temporall penalties then vsuall, are now conuerted, to the end that wee may see the correspondence of the figure to the veritie in matters of punishment and in the meane time let him acknowledge, according to his owne doctrine, and instance here produced, that the Church may punish temporally, seeing it may excommunicate, and consequently deprive men of many temporall commodities.

8 But this also is very vntrue, that the Priests of the olde Testament had authoritie to punish temporall Princes, by depriving them of their right to their temporall states, and dominions, as I amply prooued aboue in the 5. Chapter. Neither doe these examples, brought here by Mr. Fitzherbert, prooue any such thing. For to the examples of King Ozias and Athalia, I haue answered aboue at large. And as for the other two, besides that Samuel, Elias, and Elizeus, were not Priests, it is manifest, that what they did concerning the anointing, or deposing of any King, they did it not by their owne authority, but onely as Prophets, and speciall messengers sent by God to that purpose. How long (saith God to Samuel) ⁱ doest thou mourne Saul, whom I haue reiected, thou bee rule not ouer Israel? Fill thy horne with oyle, and come, that I may send thee to Isai the Betleemite, for I haue prouided me a King among his Sons. And again, Goe, (saith God to ^k Elias) and retorne into thy way by the desert of Damascus, and when thou art come thither, thou shalt anoint Hazael King ouer Syria, and Iehu the Sonne of Namsi thou shalt anoint King ouer Israel, and Elizeus the Sonne of Saphat, thou shalt annoynt Prophet for thee. And therefore he that was sent by Elizeus to anoint Iehu, was commanded to speake in the person of God, & not of Elizeus: And holding (saith ^l Elizeus to him that was sent) the little boxe of oyle, thou shalt power upon his head, and shalt say, Thus saith our Lord, I haue anointed thee King ouer Israel. Now, what man of iudgement would make this inference, that because in the olde lawe some Prophets, who were no Priests, did by the expresse commandement of God, make, anoint, or depose Kings, therefore the Priests in the new law haue ordinary power and authority to doe the same. Belike Mr. Fitzherbert, will approue also this argument, that because Elias was commanded by God to anoint not onely Iehu King ouer Israel, but also Hazael King ouer Syria, therefore the Pope hath authority to make, and depose, not onely Christian, but also Pagan Kings.

9 Wherefore that demand, which is heere made by my Adversary, to what spirituall punishment the deprivation of Princes right to their States, and other temporall penalties then vsuall, are now conuerted, to the end wee may see the correspondence of the figure to the veritie in matters of punishment, is friuolous; both for that the Priests of the old law had no authority to deprive Kings of their temporall States, and Dominions, or to inflict temporall punishments; and also albeit they had such an authority,

authority, neuerthelesse it could not bee prooued from thence, by deducing an argument from the *figure* to the *veritie*, that therefore the *Priests* of the *new* law must haue authoritie to doe the like, but things farre more noble, and excellent, for that the *veritie* must be of a more high and excellent order, then the *figure*, as in the fifth Chapter I proued more at large. And therefore as in the *olde* law all the figures, promises, and punishments were temporall, so in the *new* law the veritie, promises, and punishments, which correspond thereunto, must be spirituall, not temporall, for otherwise the *figure* should bee the same with the *veritie*, and not of an higher nature, and order then the *veritie*: So that temporall life, must correspond to spirituall life, temporall kingdomes to spirituall kingdomes, temporall goods to spirituall goods, temporall promises, and rewards to spirituall promises, and rewards, and temporall punishments to spirituall punishments, all which spirituall punishments are contained in *Excommunication Maior*, and *Minor*, and in other Ecclesiasticall Censures and punishments. And to that, which he addeth in the end, that I must acknowledge according to my owne doctrine, that the Church may punish temporally, seeing that shee may excommunicate, I haue already fully answered, and denied his consequence, for that the Church of Christ neither by *Excommunication*, nor by any other way, hath by the institution of Christ authoritie to inflict temporall punishments, but only to punish temporally by way of command, which no man denyeth. And thus much concerning the *olde* law.

10 Now to the authorities, which Mr. Fitzherbert brought out of the *new* Testament, I answered thus: Sixty, those places of the *new* Testament, *Quodcumque solueris super terram, &c.* ⁿ *Whatsoever thou shalt loose upon earth, &c.* and *Pasce oues meas, &c.* ^o *Feede my sheepe*, as also the reason which Fa. Parsons bringeth, to wit, that otherwise the Ecclesiasticall common-wealth should bee imperfect, and not sufficient for it selfe, are explicated by mee elsewhere. And that corporall killing of *Ananias*, and *Saphira*, and the visible deliuering of the fornicatour to *Sathan*, are to be referred to the grace of miracles. Neither will this Author say, as I imagine, that the Pope hath power to kill wicked men, and malefactors with the word of his mouth.

11 To this my answer Mr. Fitzherbert replieth in the same order: And first to my answer to those two places, *Whatsoever thou shalt loose, &c.* and *Feede my sheepe*, which I made in my Apologie, whereunto I remitted the Reader, he replieth thus: *That which Widdrington saith in his Apologie concerning these two texts all dead out of the Gospell is no other but to prooue, that Christ gaue thereby to S. Peter a spirituall authoritie onely, which we willingly grant, as D. Adolphus Schulkenius in his answer for Cardinall Bellarmine hath declared sufficiently,*

p Apolog. nu. 35. & seq. & nu. 103. & seq. q Pag. 115. nu. 6. 7. 8. r Adolph. Schuck in Apolog. 4. §. Ref. pondeo p. 136

and tolde my Adversary Widdrington withall, how vainely he hath laboured with a long discourse, and many idle words to proove that, which neither the Cardinall, nor any other Catholike will deny.

[Ibidem.

12 For mee willingly grant, saith Schulckenius, that the Popes power is formally spirituall, though virtually it is also temporall, extending it selfe to temporall things so farre forth, as they are subordinate to the spirituall, and the necessitie of the Church shall require. So hee, ¹ and afterwards he also explicateth the same in these words; Nam & animus noster spiritus est, &c. For our soule, saith he, is a spirit, and hath a spirituall power, and yet it doth not onely thereby gouerne the body which is subiect vnto it, but doth also chastise it with corporall punishments, as watching, hairecloth, fasting, and whipping. And therefore if Bellarmine did say, that the Pope doth indge the faulcs of Princes, and vpon their desert deprive them, sometimes of their government by a temporall power, his Adversary Widdrington should say somewhat to the purpose; but now seeing that Bellarmine saith, that the Pope useth a spirituall power, when hee depriveth Princes of their States, for spirituall and Ecclesiasticall crimes (such as heresies and Schismes are) his Adversary Widdrington doth idly beate the ayre, &c. for he should haue prooued, that a supreme spirituall power cannot extend it selfe to dispose of temporall things, as they are referred to spirituall things. Thus saith Schulckenius.

13 And thereof my Adversary Widdrington might haue taken notice, if it had pleased him, when he referred me, and his Readers to his Apologie for anywere to those places. For albeit he may perhaps pretend that he had not seene Schulckenius his Apologie for the Cardinall, before hee had ended his Theologicall Disputation; yet it is euident, that he had sent, and read it before he wrote his Admonition to the Reader, wherein he writeth against me. For he not onely maketh mention therein of the Apologie of Schulckenius, but also carpeth at him for some things that hee handleth, and therefore if he had meant sincerely, he would not haue remitted vs to his owne Apologie for this point, without some consultation of Schulckenius his Answer thereto; I meane of so much as concerneth this matter. For otherwise he may multiply bookes, and write of this controuersie as long as he liueth, and all to no purpose, if he will still stand vpon his first grounds, and dissemble the answers that are made thereto: and therefore as hee remitteth me to his Apologie, so I remit him, also to the answer of Schulckenius, which I haue partly laide downe heere, and may be seene more at large in him. And this shall suffice for this point.

14 But truly it is intollerable, that these men should so shamefully both abuse me, and delude their Reader, I doe not say, onely in dissembling the answer I made to their argument, but in plainly corrupting the words, and manifest sense thereof, in which manner they may multiply bookes, and make Replies with ease, but with shame enough

enough. For it is too too apparantly vntrue, that I labored in that place to prooue nothing else. as these men fallly affirme, but that which neither Cardinall Bellarmine, nor any other Catholike will deny, to wit, that Christ gaue to S. Peter a spirituall authoritie onely; (although it be well knowne, that the common opinion of the Canonists doth deny the same, who contend that Christ gaue thereby to S. Peter not onely spirituall, but also temporall authoritie, and made him thereby not onely a spirituall, but also a temporall Monarch, and therefore Mr. Füzherbert is grossly mistaken, in saying so boldly, that neither Cardinall Bellarmine, nor any other Catholike will deny that Christ gaue thereby to S. Peter a spirituall authoritie onely.) For I did not contend in that place about the authority which was giuen to Saint Peter, to binde and loose (which Cardinall Bellarmine taketh to bee all one, with to feede his sheepe) whether it was temporall, or spirituall, or both, as the Canonists will haue it, but about the acts and effects of that power and authority; and I affirme that the effects of that power which was giuen to S. Peter to binde, and loose, to wit, the bindings, and loosings themselues, were spirituall, and not temporall bindings and loosings. For this was my answer in that place.

Apolog. 11
35. 36.

15 And although it be generally said by Christ our Sauour, what soeuer thou shalt binde, &c. yet without doubt neither is that word [what soeuer] to bee taken in it whole latitude or generality. or, as the Logicians say, with a complete distribution, but with some limitation or accomodate distribution, neither did Christ our Sauour speake of euery binding; but only of a certaine, & determinate binding. And by the words that go before, to wit [the keyes of the kingdome of heauen] and by those that follow [& in calis, al/o in beauen] it is plaine enough, that this bond, which the Ecclesiasticall power may by the institution of Christ, binde and loose, is not a temporall bond, but that it appertaineth to a heauenly and spirituall binding. Whereupon the Interlineall Glosse, expounding those wordes Matthe. 18. *What things soeuer you shall binde, with the bond,* saith hee, of *Anathema*. Which also Francisus Suarez, a most famous Diuine of the Societie of Iesus doth expressely affirme: But that, which is added, saith he, *Erit ligatum & in calo*, Shall bee bound also in heauen, doth sufficiently declare, this power not to be naturall, but supernaturall, and that bond (marke this word, bond) to be spirituall, and of a superiour, or higher order. And Ioannes Parisiensis, To that, saith hee, *which is secondly objected* Whatsoeuer you shall loose, &c. I answer according to Chrysostome, and Rabanus, that by this no other power is understood to bee giuen, but spirituall, to wit, (obserue that which followeth) *so absolute from the bond of sinnes. For it were foolish to understand, that by this is giuen authoritie to absolute from the bond of debts.* Thus I answered in my Apologie.

Tom. 1.
dis. 1. sec. 2.
no. 5.

In Tract.
de post. Re-
gia. Pa-
pali c. 15.

16 Consider now, Good Reader, with what face, or conscience these

these men can affirme, that I have laboured heere even with sweate, and vainly spent many words: only to prove by these two authorities of holy Scripture, that the Pontificall power is spirituall, which neither Card. Bellarmine, nor they doe deny, but willingly grant: whereas I doe not contend that the power to bind, and loose, which was giuen to S. Peter, and to the rest of the Apostles, is spirituall and not temporall, but that the bond, which the Ecclesiasticall power is to bind, and loose, is a spirituall, and not a temporall bond: which if my *Adversaries* once will grant, it must needs follow, that corporall, and temporall punishments, as watching, haire-cloath, fasting, whipping, imprisonment, depriving of corporall life, or temporall goods, all which are corporall and temporall bonds, and punishments, cannot be inflicted by that Ecclesiasticall power, which Christ gaue to S. Peter, and the other Apostles. And therefore with what safetie our English Catholikes can aduenture their soules, and whole estates vpon these men, who haue, according to the Apostles saying, such wounded, seared, or canteriate consciences, and in their publike writings doe so grossly, and shamefully corrupt the words, and meaning of their *Adversarie*, in a matter of such importance, as is their obedience due to God, and Caesar, I remit to the consideration of any prudent man.

1. Tim. 4.

17 The soule is a spirit, saith D. Schulckenius related heere by my *Adversarie*, and hath a spirituall power, yet it doth also chastise the body (but in that manner as I declared in the second part) with corporall punishments, as watching, haire-cloath, fasting, and whipping. And what then? will they therefore inferre, that because watching, wearing of haire-cloath, fasting, and whipping are commanded by the spirituall power of the soule, therefore they are spirituall, and not corporall actions and punishments? No man maketh any doubt, but that the power, whereby God created the world, the Angell moued the water, ^y Ananias, and Saphira were stricken dead, ^z was a spirituall power, yet no man can deny, that the creation of the world, and the mouing of the water were corporall actions, and the sudden putting to death of Ananias, and Saphira were also corporall actions, and punishments. So likewise it cannot be denied, that the binding of men with fetters, be it done by God, Angells, or men, that is, by a spirituall, or temporall power is a corporall binding, and the depriving of any man of his temporall goods, libertie, or life, let it be done by a spirituall, or temporall power, is still a temporall, and not a spirituall punishment.

y Ioan. 5.

z Acts 5.

18 If therefore these men, as they make a shew in words, will in very deepe and sincerely grant what I affirmed, and proued in that place, they must needs confesse, that the Pope, by vertue of that commission, which Christ gaue to Saint Peter, and the other Apostles to binde and loose, hath no authoritie to imprison men, to bind them with corporall

corporall chaines, to absolue, or loose them from their temporall bonds, debts, or allegiance, for that these are temporall, and not spirituall *bindings*, and *loosings*, for what end, or by what power soeuer they be done. Neither did I contend in that place, that the power and authority of the *Apostles* to *binde* and *loose* was not temporall, but spirituall, but onely that the *bindings*, and *loosings*, which were the effects of that power, were onely spirituall, and not temporall *bindings*, and *loosings*. See above ^a more of these bonds, to which the Ecclesiasticall power to *binde*, and *loose*, is by the ancient *Fathers* limited and restrained. And heereby the Reader may easily perceiue, that I had no great reason to confute in that briebe *Admonition* D. Schulckenius his *Reply*, for as much as concerneth this point, but it was sufficient to remit the Reader to my aforesaid answer, seeing that D. Schulckenius saide nothing at all against it, but cunningly flyed from the effects of the *Apostles* power to *binde*, and *loose*, which I there prooued to be onely spirituall, and not temporall bonds, to the power it selfe to *binde* and *loose*, whereof I did not intend to dispute in that place, knowing well, that although the effects of that power had beene, as they were not, temporall *bindings*, and *loosings*, yet the power it selfe to *binde*, and *loose* might for diuers reasons be called, as *Diuines* doe call it, a spirituall, and not formally, a temporall, or ciuill power, although, as I said above, ^b I thinke this question betwixt the *Diuines* and *Canonists*, whether it be a spirituall, or a temporall power, to be more verball and of wordes, then reall, and of the thing it selfe. And this may suffice for this point.

^a Cap. 3. sec. 2.
nu. 10. & seq.

^b Cap. nu. 79.
See also Benard
cap. 12. nu. 61.
& seq.

19 Now before wee come to examine Fa. *Parsons* reason, it will not be amisse to set downe the substance of that I answered to Cardinall *Bellarmines* second argument, which is the same in effect with that of Fa. *Parsons*, and also to examine what D. Schulckenius replieth to the same. To prooue therefore, that the Church hath power to dispose of temporall things, and to inflict temporall punishments, Cardinall *Bellarmino* bringeth this argument. The Ecclesiasticall common-wealth ought to be perfect, and sufficient for it selfe in order to her end, for such are all well established Common-wealths, therefore shee ought to haue all power necessary to the attaining of her end, but power to vse, and to dispose of temporalls is necessary to the spirituall end, because otherwise wicked Princes might without punishment fauour heretickes, and ouerthrow religion, therefore she hath also this power.

Bel. l. 5. de Rem.
Pont. c. 7.

20 To this argument I answered in my *Apologie*, ^a first by distinguishing that equiuocall proposition, The Ecclesiasticall Common-wealth ought to be perfect, and to haue all power sufficient and necessary to the attaining of her end, which is the eternall saluation of soules. For first the sense of that proposition may bee, that the Church hath such a sufficient power to obtaine her end, which is the saluation of soules, that

^a 2. Reg. 17. c. 1.
177. & seq.

the

cc she can actually bring all soules to Paradise, and can take away all the
 cc obstacles, and lets, which can any wise hinder the saluation of soules,
 b In Resp. cc which sense those wordes of Cardinall Bellarmine^b may haue, which
 ad Traff. cc affirme, that the Pope can effect all that, which is necessary to bring soules to
 Gerfonii de cc Paradise, and that he can remove all the impediments, which the world, or
 valid, Excom. cc the Demill with all their forces and sleights can oppose: And this sense is
 in consid. 11. cc plainly false, and very well impugned by Paulus Venetus in his Italian
 c Fol. 57. co. cc Apologie, both for that the Pope hath no sufficient meanes to saue an
 in m. 2. cc infant in the mothers wombe, whom she cannot bring forth aliuie (be-
 cc cause it is not lawfull to cut the mothers wombe, that the childe may
 cc be baptized) or to saue him, who being in mortall sinne, is fallen mad,
 cc vntill he returne to his wits againe, which neuerthelesse is not in the
 cc Popes power: Also the Pope hath no power ouer the internall motions
 cc of the minde, which are very necessary to saluation: Also for that
 cc there should neither bee Turkes, nor Infidels, nor Heretickes, nor so
 cc much as euill Christians without the Popes great fault, if hee could ef-
 cc fect all that, which is necessary to bring soules to Paradise, and could
 cc remooue all those things, which doe hinder the obtaining of eternal
 cc saluation.

21 Now concerning this first part of the distinction, D. Schulke-
 ninus doth not deny, that the aforesaid proposition, *The Ecclesiastical
 common-wealth ought to bee perfect, &c.* is in this sense false, but hee de-
 nieth, that Cardinall Bellarmine vnderstood it in this sense, and he only
 reprehendeth me for omitting to set downe what Cardinall Bellarmine
 answered to the obiections of Paulus Venetus. I answer, saith he,^d *My
 Adversarie Widdrington had done well, if when hee related Paulus Ve-
 netus his arguments and vnnecessary subtilties, hee had also adioyned
 Cardinall Bellarmine's answer: For so both hee had done the Rea-
 der a pleasure, and also had eased vs of the paines to answer. But it is well,
 that Paulus Venetus his arguments are not such, that we must labour much
 to answer them. For that which Bellarmine said, that the Pope can effect
 all that, which is necessary to bring soules to Paradise, and can remove
 all the impediments, &c. is to be vnderstood in this sense, that the Popes
 power is not limited, or restrained, as it is in men of inferiour Orders, but is
 most ample, and most great, and therefore the whole and full Ecclesiastical
 power to giue Sacraments, Indulgences, Benefices, to make lawes, Decrees,
 Canons, to dispense in Oathes, lawes, vowes, to examine, iudge, punish, and
 that in euery Diocesse, Prouince, Kingdome: It is to be added that these
 things are to be vnderstood, for as much as concerneth the Popes part, and is
 a matter fit to receive his action. And therefore no mannaile if the Pope can
 not bring to saluation soules obstinate in heresie, or in finnes especially internall.
 For it is their owne fault, not the Popes, seeing that he doth apply remedies
 themselves effectually, if they themselves would admit them. So also it is in
 mannaile*

meruaile if the Pope cannot apply a remedy to an infant being in danger in the mothers wombe, because such an infant is not capable of the Popes helpe: And the same reason is of a man, who when he hath committed a mortall sinne falleth madde, &c.

22 But first, although when I published my *Apologie*, I had seene Cardinall Bellarmines Reply to *Paulus Vexetus*, as I did not, and therefore could not set downe what the Cardinal answered to his obiection, yet I must then also haue affirmed, as also I doe now, that whatsoeuer Cardinall Bellarmines meaning was, yet his words are so generall, and without any limitation, or declaration, that they may very well be vnderstood in the aforesaide sense. *The Pope*, saith hee, can effect all that, which is necessary to bring soules to Paradise, and can remooue all the impediments, which the world, and the Deuill with all their forces and sleights can oppose. Seeing therefore that the Deuill can by his power cast a man being in mortall sinne into phrency, by which he is hindered from attaining to eternall saluation, and can hinder an infant from being baptized by causing the mother not to deliuer it aliue, and also can cause sundry inward motions in the soule of man: and because Cardinall Bellarmines words are so generall, and without any limitation, or declaration, *The Pope*, saith he, can remooue all the impediments to saluation which the Deuill with all his force and sleight can oppose, it is plaine, that they may very well bee so vnderstood, that the Pope can also remooue the aforesaid impediments, for that those impediments are included in all impediments, as a particular in a vniuersall, and therefore to take away all occasion of errour it was not vnecessary to declare in what sense those wordes being so generall might bee true, or false.

23 Besides, although the Popes power bee not so limited and restrained, as it is in men of inferiour Orders, but it is most ample, most great, and full in a certaine measure and degree, yet this Doctour cannot beignorant, that, there is a great controuersie among learned Catholikes concerning the amplitude, greatnesse, and fulnesse of the Popes power as well in spiritualls, as in temporalls. For the Canonists doe hold, that he hath formally, properly and directly both temporall and spirituall power, and that he is not onely a supreme spirituall Pastor, but also a temporall Monarch: but this Doctour with some other Divines doe maintaine, that he hath formally, properly, and directly no temporall power, but onely spirituall, yet by this spirituall power of his, they say he can dispose of all things, and inflict all kinde of punishments, as well temporall as spirituall, as if hee had formally, and directly temporall power, and therefore they will not call this power of the Pope to dispose of all temporalls, formally and directly, but virtually and indirectly temporall power, or a supreme power to dispose of all temporalls in order

order to spirituall good. Other *Divines*, and *Lawyers*, whom I cited above in the *first* part, doe contend, that the *Pope* by the institution of *Christ* hath neither *formally*, nor *virtually*, neither *directly*, nor *indirectly* any temporal power, or authority to dispose of temporall things, or to inflict temporall punishments, but onely spirituall power, by which he may dispose, or dispence in spirituall things, and inflict spirituall punishments, and also command, enioyne, or impose temporall things, as in them may be found vertue or vice, which are the objects of the spirituall directive power, but no way dispose of temporall things, or inflict temporall or ciuill punishments, for that these are the acts and objects onely of ciuill power.

Almain de
author. Ecclef.
cap. 3.

Gerson de po-
rest Ecclef.
confid. 12.

Conc. Const.
sess. 5.

24 Neither also can this *Doctour* be ignorant, that there is a great controuersie betwixt the *Divines* of *Rome*, and of *Paris*, about the amplitude, greatnesse, and fulnesse of the *Popes* spirituall power: insomuch that *Iacobus Almainus*, a famous *Doctour* of *Paris* doth affirme, ^e that there is so great a controuersie among *Doctours* concerning the plenitude, or fulnesse of Ecclesiasticall power, and to what things it is extended, that in this matter there are few things secure, or without doubt: so that, as *William Occam* saith, it would bee very necessarie in these times, that wise men being compelled by Oaths, and horrible threatnings to speake the truth should declare, what things doe belong to the plenitude of Ecclesiasticall power, and much more of Papall authoritie, which *Almaine* with the other *Divines* of *Paris* doe make inferiour to the power of the Church, or of a *Generall Councell*, which doth represent the Church: for as *John Gerson*, and the said *Almaine* doe affirme, deceitfull flatterie hath now ouermuch extended and amplified the greatnesse, and fulnesse of Papall authoritie.

25 Moreover, although I will not denie that the *Pope* hath authority to make lawes and Canons, yet it is not certaine that hee hath authority to make lawes and Canons to binde a generall Councell, for that the *Doctours* of *Paris* doe affirme, that a generall Councell hath authority to make laws & Canons to binde the *Pope* according to the expresse definitions of the *Councils* of *Constance* and *Basill*. The Councell doth ordaine, define, decree, and determine, saith the *Council* of *Constance*, as followeth. And first it doth declare that the said Councell being gathered in the holy Ghost, making a generall Councell, and representing the Catholike Church, hath immediately from *Christ* authority, which every man of what state or dignity soeuer, although it be papall, is bound to obey in those things which belong to faith, and to the rooting out of the said Schisme, and to the reforming of the said Church in the head and members. Also it doth declare that every man of what soeuer condition, state, or dignity bee, although it be Papall, that shall obstinately contemne to obey the commandes, statutes, decrees, or precepts of this sacred Synode, being lawfully gathered concerning

cerning the aforesaid, or appertaining to any of them, made, or to be made, unless he shall repent, let him be subiect to condigne penances, and be deservedly punished, by having also recourse (if it shal be needfull) to other helps of law: Which decrees of the Councell of Constance, the Councell also of Basill, which was lawfully called by Pope Eugenius the 4: and which at that time when these decrees were made, was not accounted a Schismaticall, but a lawfull and Oecumenicall Councell, doth in the same expresse words confirme.

Concil. Basil.
sess. 2.

16 Also, although I will not deny that the Pope hath authority to dispence in vowes, and oathes, yet it is not certaine that hee hath authority to dispence in all vowes, and in all oathes: for that many Divines do with S. Thomas maintaine that he hath not power to dispence in the solemne vowe of religious chastity, or in those oathes which are made to confirme any thing, which wee are otherwise bound to performe by the law of God, or nature: because the opinion of the Thomists is, that the Pope doth dispence in oathes onely by declaring that the thing wh^{ch} is confirmed by oath, is not now a sufficient matter of an oath, as I have declared more at large elsewhere. ^f Lastly, although I doe willingly graunt that the Pope hath authority to punish, yet it is not certaine that he hath authority to punish with all kinde of punishments, for that many learned Catholics doe holde, as you may see more at large above in the first part, that Ecclesiasticall power is by the institution of Christ restrained onely to Ecclesiasticall Censures, and cannot inflict temporall or civill punishments, as death, banishment, imprisonment, depriving of temporall goods, &c. And thus much concerning the first part of the aforesaid distinction; now touching the second part.

f Disputat.
Theolog. c. 6.
sec. 6. nu. 8. 3.
in Resp. Apol.
nu. 143, 149.

17 Secondly therefore, the meaning of Cardinall Bellarmines aforesaid proposition [The Ecclesiasticall common-wealth ought to bee perfect, and to have all power sufficient and necessarie, &c.] may bee, that the Church hath all power sufficient, and necessarie in order to her ende, which is the saluation of soules, in respect of the power it selfe and not in respect also of all those things, which are in any wise necessarie, that the power may actually worke her effect. As the power, for example of the Sunne to giue light, may bee vnderstood sufficient, either in respect of the power it selfe, to giue light, or in respect also of those things, which doe any way concur to the actuall giuing of light and which things, if they bee wanting, will hinder the giuing of light, of which sort are a proportionate distance, a capable, and well disposed subiect. And although the Sunne hath not sufficient power to remoue all those impediments, which may hinder her actuall giuing of light, for so it should draw the body that is, to bee enlightened within a sufficient distance, and make it also diaphanum, cleere

“ cleare, or perspicuous, which to doe is not is the power of the Sunne
 “ neuerthelesse what man can therefore deny, that the Sunne hath a per-
 “ fect power, and of it selfe sufficient to enlighten ?

“ 28 And in this sense the aforesaid antecedent proposition is true;
 “ For the *Christian common-wealth*, or the *Church of Christ* hath a per-
 “ fect, and sufficient power for it selfe to bring soules to the kingdome
 “ of heauen, for as much as belongeth to the power it selfe, which ne-
 “ uerthelesse doeth suppose the subiect to bee otherwise apt, and well dis-
 “ posed. For she hath power granted her by *Christ* to giue grace, where-
 “ by we may come to the kingdome of heauen, to Infants by the Sa-
 “ crament of Baptisme, and to men of discretion also by other Sacra-
 “ ments, but especially of Penance, by which the *Priest*, as a Minister
 “ of *Christ* by vertue of the keyes, which he hath receiued from *Christ*
 “ absolueeth from sinnes, and giueth grace, neuerthelesse this power to
 “ worke actually her effect, supposeth certaine necessarie dispositions on
 “ the behalfe of the persons who are to receiue the Sacraments, as well
 “ in Infants, as in men of discretion, which dispositions the *Church* hath
 “ not alwayes power to procure. Also, besides this power, which the
 “ *Diuines* call of *Order*, the *Church* hath also power of *Iurisdiction*; for
 “ shee hath authoritie to preach the word of *God*, to correct sinners; to
 “ make lawes, and to punish the transgressours with Ecclesiasticall, or
 “ spirituall punishments: For as the *Church*, and the Ecclesiasticall
 “ power is spirituall, so also she ought to haue meanes proportionate to
 “ such an end. Wee graunt therefore the antecedent proposition in this
 “ sense, which we haue now declared, but we deny, &c.

29 Now this *Doctour* although hee granteth all this, which I
 haue said to bee true, yet he cannot forbear to take certaine idle ex-
 ceptions against the same. I answer, saith he, & although all this doe
 make little or nothing to the solving of Cardinall Bellarmines argument,
 but to the enlarging of the volume of his booke they make much, yet I would
 relate what hee hath said, for that I saw certaine things to bee noted therein.
 But whether they make little or nothing to solve Cardinall Bellar-
 mines argument, you shall see anon; this is a vsuall tricke of this *Do-*
ctour, especially when my answer, or argument is of greatest force,
 that hee knoweth not well what to reply thereunto, then with some
 idle, or despightfull words to shift it of, as that it is spoken either to dis-
 grace Cardinall Bellarmine, or to make the *Sea Apostolike* odious, and
 dreadfull to Christian Princes, or that it is nothing to the purpose; but
 to enlarge my booke, and to make it seeme to bee of a competent vo-
 lume, and such like trifling toies, which doe argue rather want of mat-
 ter, and a spirit of contradiction; then a true desire to examine sin-
 cerely this important, and difficult controversie; and which with as
 great facilitie, and farre greater reason may bee retorted backe vpon
 him.

¶ Pag. 353. ad
 nu. 179. & seq.

himselfe, for his often repeating of the same sentences, and which are nothing to the purpose, as that of S. Leo, *Ecclesiastica lenitas refugit cruentas ultiones*, Ecclesiasticall lenitie doeth shunne cruell punishments, which is nothing to the solving of my argument, and spending many wordes to prooue that the Pope hath power to command, and enioyne temporall penalties, whereof I made no question, and consuming twentie eight whole pages to prooue, that S. Peter, and his Successours are the heads of the Church, which no Catholike doth deny, and which make little. or nothing to the impugning of my doctrine, but to the enlarging the volume of his booke they make much.

30 Now you shall see what goodly obseruations this Doctour hath found out in this part of my answer. First, saith he, ^h it is to bee obserued, that my Adversarie Widdrington, I know not with what cunning hath transferred the question from the Ecclesiasticall common-wealth, as it is distinguished from the Common-wealth of Christian Laikes, to the Christian Common-wealth, or the Church of Christ. as it is distinguished from the companie of Pagans, and infidels. For in Bellarmines argument the Ecclesiasticall Common-wealth is taken in the first, and not in the later sense. But Widdrington answereth of the Christian common-wealth, as it comprehendeth Church-men, and Lay-men. Let he himselfe see with what simplicitie hee did it, who otherwise doeth seeme so scrupulously to shewne equivocations.

31 But first it is to bee obserued, with what cunning, or ignorance this Doctour affirmeth, that I haue transferred the question from the Ecclesiasticall common-wealth, as it is distinguished from the Common-wealth of Christian Laikes, to the Christian common-wealth, or Church of Christ, as it is distinguished from the companie of Pagans, and infidels: seeing that I expressly spake of the Ecclesiasticall Common-wealth, as it is a spirituall common-wealth, and as it hath spirituall power; Now with what colour of probabilitie can this Doctour inferre from any one word of mine, that I euer saide, that Ecclesiasticall or spirituall power doeth reside in Lay-men? or that when I treat of the spirituall power of the Church, or of the Ecclesiasticall common-wealth, I take the Church, as it comprehendeth Church-men, and Lay-men? True it is, that the Ecclesiasticall, or spirituall Common-wealth, kingdome, or Church of Christ, when wee speake properly, and generally, is taken both by Cardinall Bellarmine, and my selfe, as it comprehendeth Cleargie-men, and Lay-men, that is, as it containeth both spirituall power, and spirituall subiection, spirituall Pastours, and spirituall subiects; and therefore Cardinall Bellarmine before in his first reason affirmed, that Kings, and Bishops, Cleargie-men, and Lay-men doe not make two common-wealths, but one onely, that is, one Church. As likewise a temporall common-wealth, or king-

h Pag. 353.

See Apolog.
no. 176. 180.
& seq.

dome, when we speake properly, and generally, is taken as it comprehendeth both temporall Kings, and temporall subiects, that is, as it containeth both ciuill power, and ciuill subiection; For what man of iudgement, speaking generally of a temporall kingdome, by the name of the kingdome vnderstandeth onely the King himselfe, but when he speaketh of the temporall power of a kingdome, as I expressly spake heere of the spirituall power of the Ecclesiasticall Common-wealth, no iudicious man can vnderstand, that he speaketh of subiects, wherein no temporall power doeth reside. Let this *Doctour* therefore see himselfe with what simplicitie he said, that I comprehended heere in this answer vnder the name of the Ecclesiasticall common-wealth Clergie-men, and Lay-men, when I treated of the Ecclesiasticall, or spirituall power of the Church.

i Pag. 354.

32 Secondly, it is to bee obserued, saith this *Doctour*,ⁱ that which Widdrington beere disputeth of an apt, and well disposed subiect, that the Ecclesiasticall power may therein worke her effect to be true, and that Cardinall Bellarmine hath the same in his answer to the objections of Paulus Venetus: and yet that Widdrington after his accustomed vprightnesse commended the argument of Paulus Venetus, and dissembled Card. Bellarmine's answer.

Heere you see, that this *Doctour* granteth the distinction which I made to bee true, and that Card. Bellarmine approoueth the same; but that which he addeth, that I dissembled Cardinall Bellarmine's answer is very vntrue; for I neuer saw his answer; and although I had seene it, and so might haue commended his meaning, and his declaration, yet truly I should not haue commended his words being spoken so generally, and without any limitation, or declaration, seeing that they may imply, that the Pope can remooue all impediments whatsoeuer, which either the world, or the Deuill with all their forces, and sleights can oppose, which proposition may at the first sight bee taken, as I haue knowne diuers learned men vnderstand it, in that first sense, which before I shewed to bee false, and therefore what great fault, trow you, could it bee for me to declare the meaning of those words more plainly? seeing that a proposition may without doubt sometimes be false, yea, and as learned *Dinines* are of opinion, may bee also hereticall, according to that vulgar maxime, which Saint Thomas, and the *Maister* of the sentences attribute to Saint Hierome, *ex verbis inordinate prelati incurritur heresis*, heresie is incurred by wordes inordinately uttered, although hee, by whom they were spoken, had no badde meaning.

S. Tho. secunda
secunda q. 11.
ar. 2.
Magister in 4.
dist. 13.

k Ibid.

33 Thirdly, saith this *Doctour*,^k it is to bee obserued, that Widdrington, whiles hee declareth what punishments the Church can inflict vpon her subiects that shall offend, maketh mention onely of spirituall punishments, as
though

though the Church cannot inflict also temporall punishments, whereof see what wee haue said aboue cap. 4. vpon the 40. 41. and 42. numbers.

True it is, that the maine scope of my *Apologie* was no other, then to prooue it to bee probable, that the spirituall power of the Church, or Ecclesiasticall Common-wealth doeth not extend to the inflicting of temporall, or ciuill punishments, but onely of Ecclesiasticall, or spirituall Censures. Neither hath this *Doctour* in those places, to which hee remitteth his Reader, prooued any other thing, then that the Church by vertue of her spirituall power may command, enioyne, and impose temporall punishments, and by the temporall authoritie giuen her by the grant, and consent of temporall Princes may also inflict them vpon inferiour persons, which I neuer denied. And so in this kingdom wee see by experience, that albeit *Bishops* haue euer had authoritie to excommunicate disobedient persons, and to enioyne temporall penalties, as a thing proper to their spirituall power, yet to imprison them they procure a *Writ* out of the temporall Court *de excommunicato capiendo*, for apprehending an excommunicated person.

34 Lastly, saith this *Doctour*, ¹ it is to bee obserued, that whiles Widdrington declareth the power of Iurisdiction, not without mysterie, hee hath said nothing of the power to absolue from oaths, and vowes, and other things of that kind. 1 Ibid. pag. 354

I rue it is, that although I did not in that place expressly affirme, as also I did not deny, that the Ecclesiasticall power doth not extend to the absoluing from oaths, and vowes, yet of set purpose, and for some mysterie I did then omit to make mention of them: and the mysterie was this, for that there is a great controuersie among learned *Diuines*, especially betwixt the *Thomists*, and their opposites, (wherewith I thought it neither necessarie, nor expedient at that time to intermeddle) not only in what maner the spiritual power of the Church may absolue frō oaths, & vowes, but also whether the Church hath any authoritie at all to absolue from all Oaths, and all vowes, seeing that, as afterwards

^m I declared, *S. Thomas*, and his followers doe contend, that the *Pope* hath no authoritie to absolue from the solemne vow of religious chastitie, and also that hee cannot absolue from any vow, or oath by releasing the bond, and obligation to performe that, which is once sworne or vowed, for this were to absolue from the law of Nature, which commandeth vs to performe that which we haue once lawfully sworne, or vowed: but onely by declaring and interpreting, that the matter, which was sworne or vowed, is not now in this particular case a sufficient matter to bee sworne, or vowed: From which doctrine it cleerely followeth, that the *Pope* hath no authoritie to absolue from the oath of true temporall allegiance, vnlesse hee also haue authoritie, as hee hath not, to declare that true temporall allegiance is not in that parti-

m Prefat. ad
Resp. Apolog.
nu. 58. & in
Resp. nu. 148.

cular case lawfull, or necessary, and consequently, not a sufficient matter to bee sworne, whereas true temporall allegiance is alwayes not onely lawfull, but also necessary, and commaunded by the law of God and nature. And thus much concerning this *Doctours* observations.

35 Now you shall see how well he confuteth the answer, which I gaue to Cardinall Bellarmine's argument, supposing the aforesaid distinction. Thus therefore I began to answer it: Wherefore we grant the antecedent proposition in the sense, which wee haue now declared. But we deny that the power to vse & to dispose of the temporals of all Christians is necessary to the spirituall end: for such a power is not proportionate to that end, & therefore there is no likelyhood, that for the spirituall end such a temporall power, or, which is all one, such a power to dispose of temporals, was by *Christ* our Sauour giuen to his Church, which is a spirituall and not temporall common-wealth.

n Rom. 355.

I answer, saith this Doctorⁿ, whether the power to vse and to dispose of the temporals of all Christians be necessary to the Church for her end, is the principall question, which is in controuersie, Cardinall Bellarmine affirmeth, Widdrington denyeth. But while he denyeth, he is so destitute of Patrons and Doctours, that also Ioannes Parisiensis, whom in his booke he more often citeth for his opinion, then any other, is flat against him, &c.

36 But first, it is not true, that the principall question which is in controuersie, is whether the power to dispose of the temporals of all Christians be necessary to the Church for her end, which is the saluation of soules; but the principall question & controuersie is whether *Christ* our Sauour gaue authority to his Church, as it is a spirituall Kingdome, & consisteth onely of spirituall power to dispose of all temporals: And Cardinall Bellarmine to proue that *Christ* gaue vnto his Church this power, bringeth this for a reason, because this power to dispose of all temporals is necessarie to her spirituall end, to wit, the saluation of soules, which reason, I say, is not true, and from thence it would cleerely follow, that our Sauour was of necessity tied to giue to spiritual Pastours authority to depose temporall Princes, and to dispose of all temporals, which no man, I thinke that hath his wits about him, will affirme. And how did the Church of *Christ*, thinke you, dispose of temporals by way of authority, when she was persecuted by the Pagan, and *Arrian* Emperours? for then, if at any time, a power to dispose of temporals, should haue bene necessary to the saluation of soules. Whereupon Cardinall Bellarmine himselfe affirmeth, That it is not absolutely necessary to resist the common enimie, as is the Turke. For if the Church could be conuersant vnder the most cruell persecutions of Nero, Domitian, Decius, Diocletian, why can she not also vnder the persecution of the Turkes?

Bel. l. 1. de Con-
suet. 10.

37 Secondly, neither is it true, that I am destitute of Patrons and Doctours,

Doctours, who maintaine that the *Pope* by his spirituall power cannot dispose of temporals, or inflict temporall punishments, as I haue shewed aboue in the first part : where also I prooued that *Ioannes Parisensis* doth no way fauour, but flatly contradict Card. *Bellarmines* doctrine: and also the very ashes of this *Doctours* booke, if they could speake, would giue sufficient testimony against him, that this my doctrine is not altogether destitute of *Patrons* and *Doctours*. But whereas this *Doctour* should haue prooued that the power to dispose of all temporals is necessary to the saluation of soules, which Cardinall *Bellarmino* affirmed, and I denied, he flyeth from this reason to the authority of *Doctours*, who affirme that the *Pope* hath power to dispose of temporals, which is to runne vp and downe in a circle from *intrinsicall* grounds to *extrinsicall*, from reason to authority, and contrariwise, and neuer to persist in any one *medium*, or *argument*. Wherefore, whensoever any *Author*, or my selfe do seeme to affirme, or suppose, that temporall things, & the disposing of them, are in some cases necessary to the general good of the Church, and to the saluation of soules ; it is not to be vnderstood of any *absolute necessity*, but onely of some great conuenience, or vility, for which in common speech wee oftentimes take necessity, as it is well knowne to euery Logician, who hath but read the beginning of *Porphyries* Introduction, *Cum necessarium sit Chysaori*, &c. Whereas it is *necessarie o Chysaori*, &c. In which case of necessity, or great vility, temporall things are by the institution of *Christ*, to be disposed of to a spirituall end by the temporall and ciuill power of Christian Princes, and not by the spirituall power, as he hath distinguished the acts, offices and functions thereof from ciuill authority.

38 But thou wilt say, saith this Doctour, ^{o Pag. 355.} that this power to dispose of temporals, is not proportionate to the end of the Ecclesiasticall power, which is spirituall. I answer first; saith he, that this power to dispose of temporals in the *Pope* is not formally temporall, but formally spirituall, and eminently temporall; and therefore it is very well proportionate to a spirituall end.

But this is to declare the selfe same thing by it selfe; for to haue ver-
tually or eminently a temporal power, is nothing else then to haue a power to dispose of temporall things, or to doe all that which the temporall power can do, which is the maine poynt which I vtterly deny, and consequently affirme, that (according to the institution of *Christ*, who hath left distinguished, the acts, functions, and properties of the temporall power or Common-weath, from them of the spirituall power or Church of *Christ*) to dispose of temporall things, and to inflict temporall punishments, which are temporall and ciuill acts and punishments, are not by the institution of *Christ* proportionate to the spiritual power, and to the end thereof, as it is by him distinguished from the ciuill power, and the end, objects, and acts thereof. For, as *Christ* our Saviour hath

instituted his Church a spirituall Kingdome, or Common-wealth, and distinguished her *directiue* and *coercive* power, and the acts, and objects thereof, from the acts and objects of the ciuill power, or Common-wealth; so also hath he assigned spirituall punishments, as meanes proportionate to her *coercive* or punishing power, as temporal punishments are proportionate to the temporall *coercive* power.

p Pag. 356.

1 Pet. 2.

39 Wherefore this Doctor, knowing right well, that I haue alwayes denied the Church of Christ, to haue either *formally* or *eminently* temporall power giueth a second answer. I answer secondly, saith he, *I that temporall goods, and the power it selfe ouer temporall goods, haue indeede no naturall proportion with spirituall, but they haue a very great morall proportion, which for the present is sufficient. For temporall goods are spirituall instruments of good workes, in which I speell S. Peter calleth Almes, & other good workes, although corporall, spirituales hostias, spirituall sacrifices. Wherefore as the spirit in man disposeth of corporall actions, as Almes, fastings, chastising of the flesh, and such like as they are necessary to the health of the soule, (hee might adde also to the health of the body) so the Prince of the Church may in order to a spirituall end (and if his similitude were good, may likewise in order to a temporall end) dispose of temporall goods, which for the same reason that they are necessary to the obtaining of that end, for the same reason they are said to be proportionate to the same end.*

q Par. 2. cap. 8.

1 Num. 108.

40 But this answer I haue confuted aboue partly in the second part, where I haue shewed that this similitude of the soule and body doth manifestly impugne their doctrine, and that the soule doth not dispose of any temporall action, as Almes, fasting, whipping, and such like, but onely by way of command, and also not without the active concurrence of some corporall organ, and besides that if the similitude were good, the Pope should haue power, not only for spirituall good, but also for temporall, to depose temporall Princes, to dispose of temporals, and to inflict temporall punishments; and partly aboue in the former Chapter, where Mr. Fitzherbert hath taken this answer *verbatim* from this Doctor. For temporall goods to haue a morall proportion with spirituall, and to be spirituall instruments of good or bad workes, is nothing else then that they may concur to vertuous or vicious actions, and be the object of vertue, or vice, which therefore may be commanded or forbidden by the spirituall power as it is *directiue*, which hath for her object vertue and vice: But no morall proportion, reference, or relation can alter the nature of temporall goods, or punishments, or make temporall goods to become spirituall goods, and temporall punishments to become spirituall punishments: and therefore no such morall proportion is sufficient to cause temporall goods to be disposed, or temporall punishments to be inflicted by the spirituall power as it is *coercive*, whose acts and objects are onely the disposing,

disposing of spirituall goods, and the inflicting of spirituall punishments for a spirituall end.

41 *Lastly*, to the consequence of Cardinal Bellarmine's argument, whereby he laboured to prooue, that the power to use, and dispose of temporals is necessary to the spirituall end, I answered thus ¹ by denying his consequence. Neither doth it follow from thence, as Cardinall Bellarmine doth ill, and contrary to himselfe inferre, that otherwise wicked Princes may without punishment nourish heretickes, and overthrow religion. For the Church hath, as we said, power to punish them not indeed with ciuill or temporall, but with Ecclesiasticall or spirituall punishments, vnlesse perhaps Ecclesiasticall Censures are not woorthy to be reckoned among punishments, whereas they are accounted by all men to be most sharpe and dreadfull punishments. Wherefore Cardinal Bellarmine himselfe doth in expresse words affirme, ² that there is no greater punishment, which can be inflicted by the Church, then is Excommunication: and againe, ³ that Excommunication is a greater punishment then corporall death: and to this purpose hee citeth Saint Augustine, affirming, that it is more horrible to be deliuered ouer to Satan by Excommunication, then to be stricken with the sword, to be consumed by fire, or to be deuoured by wilde beasts.

¹ Apolog.
lib. 183.

² Lib. 3. de
Ecclesi. c. 6.

³ Lib. 3. de
Laic. c. 22.

⁴ Aug. l. 1. contra Aduers.
c. 10.

⁵ Ex. leg. 2.
proph. c. 17.

⁶ Pag. 357.

42 Now to this answer, D. Schulckenius replieth in this manner. ¹ I doe not see, saith he, in what thing Cardinall Bellarmine doth according to Widdringtons iudgement contradict himselfe. That Excommunication is greater then all temporall punishments Bellarmine did write, which is most true, and no man vnlesse he be impious, or madde can deny it: but not therefore did he ill, or contrary to himselfe write, that it is necessary for the Church to haue power to dispose of temporals, least that the Prince may without punishment nourish heretickes, and overthrow religion. For many are more afraid of temporall punishments, then of Excommunication, although this be without comparison the greater; as boyes are more afraid of the rod, then of loosing their inheritance. And this is the cause why the Councell of Lateran cap. 3. did command, that Princes who nourish heretickes should first be excommunicated; and afterwards, if this remedy doth not auail, that the subjects be absolved from their oath of allegiance, and their territories be deliuered ouer to others to be possessed by them. What will Widdrington say here? that a Councell of the whole world was ignorant of the greatnesse of Excommunication, or that she did contradict her selfe, when she wrote those things. Truly prudent men will condemne Widdrington of temerity, and ignorance, and will not in any wise reprehend the Councell. Besides, as the Councell of Lateran, against those who are ignorant of the greatnesse of Excommunication doth command, that the fauourers of heretickes be first excommunicated, and afterwards deprived of their temporall dominions: so contrariwise the Councell of Trent. sess. 25. cap. 3. against those, who do

know the greatnesse of Excommunication commandeth first, that malefactorours be punished with temporall punishments, with imprisonment, exile, pecuniary mulcts, and at last, if these doe not auail, to be stricken with the dart of Excommunication. Neither doth the Councell of Trent contradict the Councell of Lateran, or contradicteth her selfe, or knoweth not the force of Excommunication; But my Adversary Widdrington, who condemneth the decrees of so great Councils, and yet professeth himselfe to be a Catholike, is by his words repugnant to his profession.

43 Obserue now, good Reader, the fraud and falshood of this man. And first hee doth not see, forsooth, how Cardinall Bellarmine contradicteth himselfe in yeelding the reason, why it is necessary, that the Church haue power to dispose of temporals, to wit, for that otherwise wicked Princes might without punishment nourish heretikes, and overthrow religion, as though he were so blind, that hee cannot see light at noone dayes. For what a more manifest contradiction can there bee, then this: that Excommunication is the greatest punishment that may be, and yet that a Prince, who is excommunicated for fauouring hereticks, doth fauour heretickes without being punished? But many men, saith this Doctour, are more afraid of lesser punishments then of greater, as of corporall punishments more then of Excommunication, as children are more afraid to be whipped, then to be disinherited. And what then? Can any man of vnderstanding inferre from hence, that therefore a Prince, who is excommunicated for fauouring heretickes, is not most grievously punished, or that a boy, who is disinherited for his misdemeanor, is not more grievously punished, then if he had beene onely whipped for the same?

44 And by this the Reader may easily perceiue, how true that is, which this Doctour said aboue, that the distinction, which I made there (concerning the sufficiency of Ecclesiasticall power, and of Ecclesiasticall Censures to bring soules to eternall saluation, in regard of the power, and of the Censures themselves, and in regard of all other things, which on the behalfe of the subiect, or otherwise are required, that the Ecclesiasticall power, and Ecclesiasticall Censures doe actually worke their effect, that is, actually withdraw wicked Christians from sinne, and so actually saue their soules) doth little or nothing make to the saluing of Cardinall Bellarmines argument. Seeing that you now thereby see most plainly, that the spirituall power is of it selfe so great, and Ecclesiasticall or spirituall punishments are of themselves so dreadfull, and terrible, that they are of themselves sufficient to withdraw any man from his wicked life: And that therefore if this spirituall coerciue power, and these spirituall Censures or punishments be of themselves sufficient for the spirituall end, no other power of the Church to inflict temporall punishments is necessary to obtaine the same end; for if spirituall

spirituall punishments be *sufficient*, temporall punishments are not *necessary*, as any man of meane vnderstanding, who knoweth the difference betwixt *sufficient*, and *necessary* may easily perceiue. And if any man be so wilfull, that he is not terrified with Ecclesiasticall Censures, it is not by reason of their *insufficiency*, but by reason of the malice of the person, and the indisposition of the subject, for to vse this Doctors owne words aboue, *it is their faults, and not the Popes, seeing that he applieth remedies, and punishments, which are effectuall of themselves, if they themselves will admit them.* And what if the Prince, whom this Doctor saith the Pope hath power to depose, doth not regard his sentence of deposition, what other remedie, trow you, wil this Doctor faigne, that the Pope hath authoritie afterwards to apply? vnlesse he will say, that hee must then haue sufficient force, and might to thrust him by head and shoulders, as the *proverbe* saith, out of his kingdome.

45 Secondly, neither did the Councell of *Lateran*, nor of *Trent* inflict, or impose temporall punishments, for that reason, which Cardinall *Bellarmino* heere giueth, to wit, because they thought that Christians who were excommunicated for fauouring heretickes, or other crimes, were not most grieuously punished, and consequently that they might therefore by their spirituall power dispose of temporalls, and inflict temporall punishments, because otherwise they might fauour heretickes, and commit other crimes without being punished, as Cardinall *Bellarmino* did argue in his afore said reason, for then the said Councells must also haue granted, that *Excommunication* is not a most grieuous punishment, yea and no punishment at all, and so they must haue contradicted themselves, and the receiued doctrine of the Church, for that no man, vnlesse hee bee impious or mad, as this Doctor heere affirmeth, can deny, that *Excommunication* is more grieuous then any temporall punishment: but the reason is, because both the Councell of *Trent*, and also of *Lateran*, or at least wise Pope *Innocent* in the Councell of *Lateran*, perceiuing, that many sensuall men are more afraide of sensible, and temporall punishments, then of spirituall, therefore to withdraw them more easily from sinne, they commanded, enioyned, and imposed by their spirituall authoritie, as it is *directiue*, corporall and temporall punishments, which sensuall men doe most abhorre, and also they inflicted the same punishments, not by their spirituall authoritie, as it is *coercive*, which is extended onely, as I haue often said, to Ecclesiasticall Censures, but by the temporall authoritie, which they haue receiued from the expresse, or tacite consent, graunt, and priuiledges of temporall Princes, seeing that it is well knowne, as I haue related elsewhere out of *Iohn Gerson*, that Princes out of their deuotion haue giuen to the Cleargie great authoritie of temporall Iurisdiction.

Gerson. de
potest. Eccles.
considerat. 4.

46 Thirdly,

46 Thirdly, obserue the goodly reason that this man bringeth, why the Councell of Lateran began first with spirituall punishments, and the Councell of Trent with temporall. For that, saith hee, the decree of the Councell of Lateran was made against those, who knew not the greatnesse of Excommunication, and the decree of the Councell of Trent was made against those that knew the greatnesse thereof: as though either Christian Princes, or people knew not the greatnesse of Excommunication at the time of the Councell of Lateran, or that either in very truth, or according to the Doctrine of Cardinall Bellarmine, Suarez, and other vehement maintainers of the Popes power to depose Princes, or in the iudgement of this Doctor himselfe, it be commendable, or lawfull first to depose Princes, and to thrust them out of their kingdomes, and afterwardesto excommunicate them, and to declare them to be accounted as Heathens, and Publicanes. Belike this Doctor is perwaded, that all his idle conceits must goe for an yndoubted oracle. But he is deceived: for howsoeuer his fauourites will applaude all his sayings, esteeming him as an other Pythagoras, yet other men will require of him a more sufficient reason, then a bare *ipse dixit*.

47. Lastly, it is not true, that the Councell of Lateran did first commaund; that Princes, who fauour heretikes, should be excommunicated, and afterwards, if this remedie did not auaille, their subiects should be absolved from their allegiance: becaule in that decree there is no mention made of Princes, but onely of inferiour Officers and Magistrates: But of this Decree we shall haue occasion to treat anon more at large: As also it is a slander vsuall in this mans mouth, that I contemne the foresaid decrees of the Councell of Lateran, and of Trent, which I doe reuerence with as much respect, as he, or any other Catholike ought to doe, albeit I must needs confesse, that although this Doctors interpretation of those decrees I doe not contemne, for this is a word of arrogancie, yet truely I doe not much regard, vnlesse he shall bring better reasons to confirme the same, then hitherto he hath brought. And thus you see part of the answer I made to Cardinall Bellarmine: second reason, which afterwards I did prosecute more at large, and in the end I did briefly insinuate, how insufficiently Father Parsons grounding himselfe chiefly vpon this second argument of Cardinall Bellarmine did satisfie the Earle of Salisburies complaint.

y In the Preface to the Treatise tending to Mitigation nu. 19.

48 For the Earle of Salisburie, saith Father Parsons, I hath bin a long time sorrie, that some cleere explication of the Papall authoritie hath not bin made by some publike and definitive sentence orthodoxall, &c. That not onely those Princes, which acknowledge this superioritie might be secured from feares, and ielosies of continuall treasons, and bloodie Assassinations against their persons, but those Kings also which doe not approve the same, and yet

will

would faint reſerne a charitable opinion of their ſubiect's, might know how ſure to reſpoſe themſelves in their fidelitie in ciuill obedience, howſoeuer they ſee them diuided from them in point of conſcience, &c. Now to this complaint, or deſire of the Earle of Salisburie to haue the matter defined, and declared, Father Parsons answereth, that among Catholike people the matter is cleare, and ſufficiently defined, and declared in all points, wherein there may be made any doubt concerning this affaire. And for the clearing of the whole matter, he diuideth it into three questions.

49 The firſt is, whether any authority were left by Chriſt in his Church, and Chriſtian Common-wealth to reſtraine, or repreſſe, cenſure or iudge any exorbitant, and pernicious exceſſe of great men, States, or Princes, or that he hath left them remedieſſe wholly by any ordinarie authoritie? And to this question the ſubſtance of his answer is this; that as in all other common-wealths that are not Chriſtian, all Philoſophers, and other men of ſoundeſt wiſedome, prudence, and experience, either Iew, or Gentile haue from the beginning of the world concurred in this, that God and nature hath left ſome ſufficient authoritie in euery common-wealth for the lawfull and orderly repreſſing of thoſe evils euen in the higheſt perſons. So when Chriſt our Sauour came to found his Common-wealth of Chriſtians in ſarre more perfection then other ſtates had bene eſtabliſhed before, ſubiecting temporall things to ſpiritual, according to the degree of their natures ends, and eminencies, and appointing a ſupreme vniuerſall Gouvernour in the one, with a general charge to looke to all his ſheepe; without exception of great, or ſmall, people or potentates: vpon theſe ſuppoſitions (I ſay) all Catholike learned men doe ground and haue ener grounded, that in Chriſtian Common-wealthes, not only the foreſaid ordinarie authoritie is left which euery other ſtate, and kingdom is bound by God, and nature to preſerue, and protect themſelues in the caſes before laid down; but further alſo for more ſure & orderly proceeding therein, that the ſupreme care, iudgement, direction, and cenſure of this matter was left principally by Chriſt our Sauour vnto the ſaid ſupreme Gouvernour, and Paſtour of his Church and Common-wealth. And in this there is no difference in opinion, or beleeſe betweene any ſort of Catholikes whatſoeuer (ſo they be Catholikes) though in particular caſes, diuerſitie of perſons, time, place, cauſe, and other circumſtances, may mooue ſome diuerſitie of opinions. And thus much of the firſt question.

50 The ſecond question may bee about the manner how this authoritie, or in what ſort it was giuen by Chriſt to his ſaid ſupreme Paſtour, whether directly or indirectly, immediately, or by a certaine conſequence. And to this question he answereth: that albeit the Canonists doe commonly defend the firſt part, and Catholike Diuines for the moſt part the ſecond; yet both parts fully agree, that there is ſuch an authoritie left by Chriſt in his Church, for remedie of vrgent caſes, for that otherwiſe hee ſhould not haue ſufficiently provided for the neceſſitie thereof. So as this difference in
the

the manner maketh no difference at all in the thing is selfe.

51 The third question may be about the causes, for which this authoritie may bee used, as also the forme of proceeding to bee observed therein: whereunto he answereth, that herein there are so many particularities to be considered, as are ouerlong for this place: onely it is sufficient for Catholike men to know, that this may not be done without iust cause; graue and vrgent motives; and due forme also of proceeding; by admonition, preuention, intercession, and other like preambles, prescribed by Ecclesiasticall Canons to be observed, whereby my Lordships doubts; offeares; and jealousies of continual treasons, and bloody Assassimates may iustly bee remooued. For that this authoritie doth not onely not allow any such wicked or vnlawfull attempts, but doth also expressly, and publicly condemne the same; and the doctrine thereof, as may appere not onely by the condemnation of Wickliffes wicked article in the Councell of Constance, wherein he affirmed, That it was lawfull for euery priuate man to kill any Prince, whom he held to bee a Tyrant, but also by like condemnation of Caluin, Beza, &c.

2. Sess. 15.

52 Thus you see that Father Parsons hath not answered to the Earle of Salisburies complaint in particular, to wit, that some clericallication of the Papall authoritie (ouer the kingdomes, and liues of temporall Princes) hath not beene made by some publike, and definitiue sentence orthodoxall, &c. But he supposeth it as certaine, and graunted by Catholikes, and in steade of some cleere and publike definition orthodoxall &c. Which the Earle of Salisbury desired, he bringeth onely certaine reasons, which are in some sort grounded vpon the Law of Nature, and the light of naturall reason, to wit, that Christ hath in his Church subiected temporall things to spirituall, which also is true in the Law of Nature, and that otherwise he had not so sufficiently provided for the necessitie of his Church, as God, and Nature haue provided for other temporall commonwealthes, which are not so perfect as is his Church: which reasons how weake and insufficient they are, the Reader may presently perceiue by that which hath beene said before concerning the Law of Nature; and against Cardinall Bellarmines second reason, and also if he will but apply them to the Church and Synagogue in the old law, in which without doubt God Almighty did both subiect temporall things to spirituall, and for the necessitie whereof he did also sufficiently provide: and yet Cardinall Bellarmine himselfe affirmeth it to probable, that in the old Law the Priesthood was subiect to the kingdome, and that King were not to bee punished temporally by the High Priest, but contrariwise the High Priest was subiect in temporalls to the King, and to bee punished by him with temporall punishments. Wherefore after I had clearly ouerthrowne Cardinall Bellarmines reason, concluding thus: And so it is manifest, by that which I haue said, how weake this second reason of Cardinall Bellarmine is, even according to his owne principles, I forthwith

“ with answered Father *Parsons* in this manner. ^a

^a *Apolog. m.*
203.

“ 53 By which it is also apparant, how weakely the *Author* of
“ the *English Treatise* tending to *Mitigation*, who groundeth his
“ whole discourse for the *Popes* power to depose *Princes* vpon this *se-*
“ *condemnation* of Cardinall *Bellarmino*, doth satisfie the *Earle of Salisbury*
“ *ries* desire, whereof we made mention aboue. For although it be-
“ true, that *Christ* our Sauour left in his *Church* (which is a spirituall
“ common-wealth) as in all other well established common-wealths,
“ sufficient authoritie, and power, for as much as concerneth the
“ power it selfe, to defend her selfe from the iniuries of all men what-
“ soeuer, & to correct, iudge, & punish all wicked persons of what state,
“ or condition soeuer they be, that are subiect to the supreme *Prince*
“ of this spirituall common-wealth, as members of the head, sheepe to
“ their Pastours, & children to their Father: Neuerthelesse that *Christ*
“ left in his *Church* sufficient power, might, or force to repress at
“ all times all excesses whatsoeuer of Christian *Princes*, or, that the pu-
“ nishments, wherewith such *Princes* may be punished by the *Church*,
“ are temporall, which doe passe the limits appointed by *Christ* to a
“ spirituall common-wealth, this, besides that it seemeth to be sup-
“ posed by this *Author* as certaine without any reason at all, is also
“ most clearely repugnant to the common doctrine of the ancient *Fa-*
“ *thers*, who doe teach, as I related aboue, ^b that the armour, or wea-
“ pons of the *Church* are spirituall, not temporall, and that *Princes* if
“ they offend, are, for as much as concerneth temporall punishments,
“ to be left to the examination, and iudgement of *God* alone.

^b *Num. 5*
seq.

“ 54 Wherefore there remaineth in the *Church* sufficient remedie,
“ and spirituall authoritie (for temporall authoritie, or which now I
“ take for all one, authoritie to dispose of temporalls, is not agreeable
“ to the condition of a spirituall common-wealth) to repress by spi-
“ rituall punishments the exorbitant excesses of all her subiects what-
“ soeuer, and of this there is no controuersie among *Catholikes*, as also
“ to euery temporall common-wealth the law of *God*, and nature hath
“ giuen full, and perfect temporall authoritie to punish all her subiects
“ that shall offend with temporall punishments, but not with spiritu-
“ all, which are not agreeable to a temporall common-wealth, and
“ to defend her selfe with corporall weapons from the wrongs, and
“ violence of all men though of forraine countreys how strong, and
“ potent soeuer they be, albeit she hath not alwayes an effectual reme-
“ die, or sufficient force, might or power to free her selfe from the vn-
“ iust oppressions, not onely of forraine countreys, but also of her
“ owne subiects by reason of their excessiue power, and might.

“ 55 And therefore it is not onely a *controuersie* among *Catholikes*,
“ about the *manner* how the *Pope* hath authority to dispose of tem-
porals,

Trithem. in
Chron. monast.
Hist. ang. ad
ann. 1105.

cc porals, and to depose temporall *Princes*, to wit, whether directly or
cc indirectly, immediatly, or by a certaine consequence, as this *Authour*
cc without any prooffe at all doth ill suppose, as certaine, and not doubted
cc of by *Catholikes*, but as I have often said out of *Trithemius*, It is a
cc controuersie among the *Schoolemen* about the thing it selfe, whether the
cc Pope hath any such authority in any manner at all, and as yet it is not
cc determined by the *Iudge* whether hee hath any power to depose the Empe-
cc rour, or no.

Bell. 2. de Con-
cil. cap. 19. ad
2. m.
c. Nu. 188. A-
polog.

cc 56 Lastly, if in euery well established Common-weath there is
cc left sufficient remedy, and authority by *God* and *nature* to repress,
cc and punish the more hainous offences of their *Soueraigne Prince*,
cc whereon the Discourse of this *Authour* in his first question, whereup-
cc on the other two questions doe depend, is chiefly grounded, I doe not
cc see in what manner, and with what reason he can rid himselfe, but
cc that consequently hee must also grant, that the *Pope* himselfe may
cc for all enormous crimes be corrected, iudged, and punished by the
cc Church; whereas *Cardinall Bellarmine*, as you haue seene aboue,
cc doth teach, that the Church hath not any effectual remedie, or which
cc in his opinion is all one, any sufficient authority to punish a known
cc and vndoubted *Pope* for any crime whatsoever, only *heresie* excepted.
cc Therefore you see what a foundation this *Authour* hath laid to sub-
cc iect *Popes* to the examination, censure, and correction of a generall
cc Councell, which representeth the vniuersall Church, and to quite o-
cc uerthrow *Cardinall Bellarmine's* doctrine, touching the *Popes* autho-
cc rity ouer a generall Councell, which is also receiued by all the writers
cc of his Society. Thus I answered *Father Parsons* discourse in my A-
cc pologie.

A Nu. 43. &
Seq.

57 By which the Reader may easily perceiue, what small satisfacti-
on *Fa. Parsons* gaueto the *Earle of Salisburies* complaint, both for that
hee brought no cleare definition orthodoxall, which the *Earle* required, to
prooue that the *Pope* hath authority to depose wicked *Princes*, and to
dispose of all their temporals, but supposed it as granted by all *Catholikes*
for these silly reasons, which I before rehearsed; and also, that from
the doctrine of the *Popes* power to depose *Princes*, and to dispose of all
temporalls, it necessarily followeth, as I conuincd in my *Apologie*,
d that he may also take away their liues, and giue leaue to others to kill
them by all those wayes publike or secret, by which temporall *Princes*
may take away the liues of their wicked subiects: and consequently his
Lordships doubts of feares and ieaiousies of continuall treasons, and
bloudy *Assassinates* was not remoued by *Father Parsons* answer: for
that they who would attempt to kill such wicked and tyrannicall *Prin-
ces*, and obstinate in their wickednesse, might easily answer the decreet
of the Councell of *Constance*, and affirme, that what they did was not
done

done by *private*, but by *publike*, and *lawfull* authoritie, and that they had sufficient warrant from the *virtuall*, at least wise, and *interpretative* consent of the *Pape*, who was bound by the law of *God* to giue his consent thereunto, as in my *Appendix* against *Suarez*. I did cleerely deduce: and so those wicked miscreants that murdered the last two *Kings* of *France*, and attempted to haue blowne vp with *gun-powder* our most noble *King*, & *Queene* with their *Royall* issue, and all the nobility with the *Knights*, and *Burgeses* of the *Parliament*, did easily shift off the Decree of the *Councell* of *Constance*, pretending that what they did, was done by *lawfull* and *publike* authoritie.

58 Now albeir *Mr. Fitzherbert* pretendeth to defend *Fa. Parsons* against that which I did answer, for the respect and reuerence, which hee beareth to the memorie of so woorthy a man, and his old friend, whereof I will say nothing at this time, because as he was respected and reuerenced by many *Catholikes*, so also hee was by many not reputed woorthy of such respect and reuerence, the cause whereof I will omit now to relate, neuerthelesse hee saith little or nothing, as you shall see, against that which I vrge against him. For first the greatest part of his defence hee spendeth^e in excusing him from that, whereof I did not accuse him, to wit, that *Fa. Parsons* did not say, that the Church hath not onely sufficient power to worke the effect, for which it was ordained, but also sufficient vires, sufficient forces alwaies to execute and performe the same, but onely that the power of the Church being considered in it selfe is sufficient to worke the effect, for which it was ordained, if it meete with a capable subiect, and haue no externall impediment, which may bee exemplified in the power to remit sinnes, to giue holy Orders, to excommunicate, and such like. For albeir the Church haue sufficient power to doe all this, yet the same cannot be executed either at all times, or in all places, or upon all persons, by reason as well of the incapacitie of subiects, as of other externall impediments, which may hinder the execution. So as it were extreme folly to say, that the Church hath not onely sufficient power, but also sufficient forces alwaies to execute and performe the same. And the like we say concerning the power left by our Saviour Christ to punish absolute Princes in their temporall states, to wit, that the power being considered in it selfe is sufficient, albeir the same cannot alwaies be executed, and *Fa. Parsons* neuer taught, or thought otherwise: And therefore I must needs say, as I said before, that *Widdrington* hath either most grossly mistaken him, (which truly I cannot see how hee could doe in this place) or else most maliciously abused, and belied him.

59 But truly I must needs say, that *Mr. Fitzherbert*, to returne him backe his owne wordes, hath either most grossly mistaken me, or else most maliciously abused, and belied me. For I neither said nor meant to say, that *Fa. Parsons* supposed as certaine, and confessed by

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all *Catholikes*, that *Christ* hath left to his *Church* sufficient force, power, or might to repress at all times all exorbitant excesses of *Christian Princes*, or people: but that he supposed as certaine, and confessed by all *Catholikes*, that the penalties, wherewith the *Church* may punish her spirituall Children, may be temporall punishments; which *supposition* also of *Fa. Parsons* I declared afterwards, as you have seene, in these wordes. And therefore it is not onely a controuersie among *Catholikes* about the manner how the *Pope* hath power in temporalls, to wit, directly, or indirectly, at this *Au. hour* without any prooffe at all doth ill suppose, but about the thing it selfe, whether he hath in any manner at all such an authoritie, whereof the *Schoole-men* are at variance, and as yet it is not decided by the *Judge* whether the *Pope* hath authoritie to depose the *Emperour*, as we haue ofien said out of *Trithemius*.

60 Neuerthelesse, this also I must needs say, that both *D. Schulkenius*, and *M^r. Fitzherbert*, and also *Fa. Parsons* cannot make good *Cardinall Bellarmines* second reason, and sufficiently confute the answere I made thereunto, but that they will bee driuen to suppose, that the *Church* must haue, not onely sufficient power, and authoritie, but also sufficient force, power, might, and effectuell meanes to bring soules to paradise; as any man of learning by that which I haue saide before may easily perceiue. For the substance of *Cardinall Bellarmines* argument was this: *The Church must haue all necessarie and sufficient power, or authoritie to saue soules*, for which the *Ecclesiasticall* power is ordained, but the power to inflict *Ecclesiasticall* Censures is not sufficient for this end, therefore another power, to wit, to inflict also temporall punishments is necessary.

61 To this argument I answered, that the power to inflict *Ecclesiasticall* Censures, being considered in it selfe, is sufficient to saue soules, and that *Ecclesiasticall* Censures being so dreadfull punishments, as I haue shewed, are of themselves sufficient, if they meete with a capable subiect, to withdraw men from sinne; neither is it necessarie, that the *Church* must haue, besides a power sufficient of it selfe, sufficient force, might, and effectuell meanes to withdraw men actually from sinne, for this were extreamefolly to say as my *Adversarie* himselve confesseth; For the sufficiencie, saith hee, of the power, which *Christ* hath left to his *Church* in this point, or any other consisteth in this, that the power being considered in it selfe, is sufficient to worke the effect, for which it was ordained, if it meete with a capable subiect; and haue no externall impediment. Wherefore it is manifest, that hee who will contend, that the *Church* must haue a more sufficient power to saue soules, then which of it selfe is sufficient if it meete with a capable subiect, and haue no externall impediment, must needs suppose that the *Church* must also haue sufficient force, might, and effectuell meanes to saue soules and a power to make the subiect capable; and to remooue all external, impel-

impediments, or, which is all one, must haue such a sufficient power, which is not onely sufficient in regard of the power being considered in it selfe, but also in regard of all other things, which are necessarie that the power worke the effect, for which it was ordained: for that these *two* are opposite parts or members of the distinction I made before, and no man that hath any skill in *Logike* can be ignorant, that in euery diuision consisting only of *two* parts, or members, we may rightly argue from the affirming of the one part to the denyall of the other, and fro the denying of the one to the affirming of the other. If therefore the power of the *Church* to inflict *Ecclesiasticall* Censures be of it selfe a sufficient coercive power to withdraw men from sinne, which is the end of *Ecclesiasticall* power, and if men bee not thereby withdrawne from sinne, it is not by reason of the insufficiencie of the power, but of the indisposition of the subiect, no other coercive power to inflict temporall punishments can be necessarie: And therefore the aforesaid distinction of *Ecclesiasticall* coercive power considered in it selfe; and in respect of the impediments, which may be in regard of the subiect, did quite overthrow Cardinall Bellarmines second argument, and the whole discourse of Fa. Parsons, which was grounded thereon. So that Mr. Fitzherbert might with more credit haue left vntouched the satisfaction which Fa. Parsons pretended to giue to the Earle of Salisburies desire, or complaint, for ought hee hath beene able to say in defence of the same.

62 And whereas Mr. Fitzherbert quarelleth with mee for teaching in this my *Discourse* against Fa. Parsons, that the penalties, which the *Church* may, I doe not say, impose, as hee vntruely imposeth vpon me, for this power of the *Church* to impose, command, or enioyne temporall penalties I neuer denied, but to inflict, are not temporall punishments, and for remitting my Reader for this point to diuers authorities euen of the ancient *Fathers* related by mee in my *Apologie*, hee wisbeth mee, & and the Reader to see the answers to those authorities in D. g Pag. 112. nu. 11. Schulckenius, who giueth, as he saith, sufficient satisfaction to euery one of them, and sheweth evidently, that diuers of those Authours doe wholly impugn Widdringtons opinion, and doctrine, and finally telleth him of his bad fortune in alleading such witnesses, as either make nothing for him, or quite overthrow him, and the like may bee seene, saith he, in D. Westons Sanctuarie, who also answereth the said places particularlay and fully: I also in like manner wish him, and the Reader to see how their answers haue beene confuted, partly by Mr. John Barclay, and partly by my selfe aboue in this Treatise, ^h where also I haueshewed the vanitie of these men, that when they see their arguments and answers most of all to bee shaken, then they make the greatest brags, to which silly shifts they haue beene driuen by their bad fortune to vndertake the defence of so

bad

bad a cause, and through a vehement desire not to seeme to bee vanquished, and to haue any way erred in hauing coined a new Catholike faith.

63 Furthermore, the Reader may see, ⁱ saith Mr. Fitzherbert many of them answered by the Cardinall himselfe in his booke against Barclay, which Widdrington could not but haue seene (no lesse then the former) before he wrote against my Supplement, and therefore reason would that hee should haue shewed some insufficiencie in those answers, before he so confidently remitted me, and his Readers to those places, and such like, which hee knew were already answered: but perhaps he perswadeth himselfe, that all his writings, and assertions, are, (as I haue said in the Preface) like to the lawes of the Medes, and Persians, which are inniolable, and immutable. And this shall suffice touching Father Parsons, whom you see hee might with more credit haue left untouched for ought hee hath bene able to prooue against him.

i Pag. 122.

nu. 22.

C. Bel. in Tract.

de potest. Sum.

Pont. contra

Barcl. cap. 8.

See Preface

nu. 15. and see

also the answers

therewnto.

Dan. 6.

64 But as the Reader may see many of them answered by the Cardinall himselfe in his booke against Barclay, so also hee may see the Cardinalls answeres confuted by Mr. Iohn Barclay in his booke against Cardinall Bellarmine, which Mr. Fitzherbert could not but haue seene, before he wrote now his Reply against mee, and therefore reason would, that hee should haue shewed some insufficiencie in Mr. Iohn Barclayes answeres, before he so confidently remitted me, and his Reader to Cardinall Bellarmines booke against Barclay, which he knew was already answered. And therefore that which hee repeateth heere againe concerning the lawes of the Medes, and Persians, may more aptly be applyed to himselfe, and other such like vehement defenders of the Popes power to depose Princes, who, for that they haue vnadvisedly begun to make their doctrine to be an infallible point of faith, which they will neuer bee able to make good, will yet defend the same *per fas & nefas*, by right and wrong, and perceiuing that they cannot preuaile with reason, and arguments, endeavour to ouerthrow their cause by force, and authoritie, clamours, and threatnings: as it is euident by the Breues, which his Holinesse by their importunitie, and sinistrus information hath published to condemne the new Oath, wherein chiefly that doctrine is denied, as containing in it many things flat contrarie to faith and saluation, which they will neuer bee able to maintaine, and by condemning some of my bookes in such generall wordes, and commanding me under paine of Ecclesiasticall Censures to purge my selfe forthwith, in so strange a maner, nor declaring of what crime either in particular or in generall I should purge my selfe, although I haue often by diuers Supplications to his Holinesse most humbly, and earnestly requested, to bee particularly informed, what one thing is contained in the Oath, which is so cleerely repugnant to faith, and saluation, or what one thing I haue written in those

those *bookes*, whereof I should purge my selfe, as being contrarie to faith, or good manners. For what man can be so simple, as to imagine, that if those most *Illustrious* *Cardinalls* of the *Inquisition* could plainly haue shewed any one thing, which either in the *Oath*, or in any of my *bookes* is repugnant to faith, or good manners, wee should not haue heard it proclaimed by my *Adversaries* with open mouth? And what else is this, I pray you, but to contend, that their assertions are like to the lawes of the *Medes*, and *Persians* which are inuolable, and immutable?

65 And this may suffice touching Fa. Parsons discourse, which Mr. Fitzherbert might with more credite to himselfe, and with more respect, and reuerence to his old friend, haue left vntouched, seeing that hee hath brought nothing against that, which I obiected against Fa. Parsons discourse to satisfie the Earle of Salisburies desire, but cauelh onely about trifles, which make nothing to the defence of Fa. Parsons, as that I did not in that brieve *Admonition* to the Reader confute D. Schulckenius booke written against mee, and Cardinall Bellarmines booke written against D. Barclay, and also the whole particular discourse, which hee himselfe made in his *Supplement* to prooue the *Oath* vnlawfull, and repugnant to all lawes humane and diuine: but remitted the Reader to some things, which more at large I declared in my *Apologie*, to the end that he duely considering my answeres, and their Replies, and also what Mr. John Barclay had written in defence of his Father against Cardinall Bellarmine, might giue his iudgement accordingly, vntill I had time to make a more full answer to them all. And therefore seeing that now I haue in this *Treatise* more fully confuted both Cardinall Bellarmine, and D. Schulckenius (if he bee another man) and also Mr. Fitzherberts whole Reply, which he hath patched together by the helpes of Cardinall Bellarmine, or D. Schulckenius, Fa. Suarez, and Lessius, wee shall see what a learned Reply hee will make to this my *Treatise* being destitute now of those helpes, which hee had before of those mens writings, and being left only to his owne wit, and learning, and to the aide which he can get from others of his *Societie*, who are more expert in *Schoole* points then is himselfe, whom all men know to haue little skill either in *Philosophie*, or *Schoole* *Diuinitie*. And for a conclusion I wish the Reader to call to mind, how hee imposeth vpon me heere two manifest *falsehoods*, the one, that I affirme Fa. Parsons to suppose that *Christ* hath left to his *Church* not onely *sufficient power*, and *authoritie*, but also *sufficient force*, might, or effectuell meanes to repress at all times all excesses whatsoeuer of *Chriitian Princes*, and the other, that I quarrell with Father Parsons for teaching, that the *Church* may impose temporall penalties, which, as you haue seene is very vntrue.

k Pag. 123.
nu. 23. 24. 25.
Acts 5.
1 Cor. 5.
Widdring in
admoni. nu. 19.

66 Now let vs proceede to the examining of the rest of his Discourse. After this, saith he, ^k Widdrington taketh hold of two examples in my Supplement, to wit, the punishment of Ananias and Saphira, and of the incestuous Corinthian, which I alleaged to proue the power of the Church to inflict temporall penalties. Whereof he saith thus: Illa corporalis Ananias & Saphira interfectio, &c. That corporall killing of Ananias and Saphira, and the visible deliuey of the fornicatour to Satan, are to be referred to the grace of miracles: neither will this Author say, as I thinke, that the Pope hath power to kill wicked men, and malefactours with the word of his mouth. So be. Whereto I answer, that he triflcth no lesse in this, then in his former answeres: for, albeit I will not say that the Pope hath power to kill with the word of his mouth, that is to say, to doe miracles; yet I say he hath power to doe and ordaine those things in the Church, which at their first institution were testified, and confirmed by miracles.

Acts 8. & 10.

1 Cor. 5.

See cap. 17. nu. 23. & seq. Item Decretum Sacrae Cong. and seethem also there answered.

Chrysostom 15 in cap. 5. epist. 1. ad Corinth. Acts 5. Acts 12. 1 Cor. 5. Greg. hom. 10. in Euang.

67 As for example, I will not say that the Pope can giue the holy Ghost in some visible forme in the Sacrament of Baptisme, and Confirmation, as the holy Ghost was giuen in the Apostles time, yet I make no doubt but that the Pope may minister those Sacraments with the invisible effect and fruit thereof, which was visibly shewed and testified in the Apostles time by that miracle; neither will I say that the Pope can deliuer a man to the visible possession of the Diuell to be bodily tormented, as S. Paul did, when he excommunicated the Corinthian, and others; neuertheless, I say, that if Widdrington doe not reforme and retract his pernicious doctrine, the Pope can, and will, ere it be long, excommunicate him, and deliuer him ouer to the invisible power of the Diuell; which effect was at the first ordinarily testified by the visible torments of the bodies of excommunicated persons, vt castigaretur caro saith S. Chrysostome, that their flesh might be chastised: So as Widdrington may if it please him, distinguish betwixt the miracles, and that which was in the primatiue Church signified, expressed, and testified thereby.

68 And therefore I say, that for as much as it pleased God to testify by the miraculous punishment of Ananias, and Saphira, and of Elymas the Magician, (whom S. Paul stroke blinde) and of the excommunicated Corinthian, and others, that the Church hath power as well ouer the body, as ouer the soule, it cannot with reason be denied, but that the power remaineth, although the miraculous manner in the execution of it ceased, when the Christian faith was once propagated, and generally receiued, because, as S. Gregorie saith, Signa data sunt fidelibus, &c. Signes, or miracles are giuen (or ordained) for infidels, and not for the faithfull.

69 But it is Mr. Fitzherbert himselfe that triflcth no lesse in this then in his former answeres. For the question here betwixt vs is not now, whether the Pope hath an ordinary power granted him by Christ

to inflict corporall and temporall punishments, and so depriue the faithfull of their liues and dominions, but whether from this miraculous fact of killing of *Ananias* and *Saphira* at the word of *S. Peter*, or from the miraculous delivering of the incestuous *Corinthian* to *Sathan*, to be coporally tormented by him, that his soule might be saued, or fro any other miraculous and extraordinary power, which the *Apostles* had to inflict coporall punishments, it can bee rightly concluded that the *Pope* hath an ordinary power to inflict also corporall punishments. And whatsoeuer *Mr. Fitzherbert* saith, I doe confidently auerre, that it is a most vicious kinde of arguing from miraculous facts, and from an extraordinary power, which was graunted to the *Apostles* as they were *Apostles* at the first instituting of the new law, and abrogating of the olde, to inflict corporall punishments, to inferre that the *Pope* and other inferiour *Bishops*, who succeeded the *Apostles*: not as they were *Apostles*, but as they were *Bishops*, had an ordinary power to doe the like facts, and to inflict the like corporall punishments: But other arguments must be brought to prooue that the *Prelates* of the *Church* may now by their ordinary power doe those things, which the *Apostles* at the first institution of the *Church* did by a miraculous and extraordinary power.

70 For two powers were granted to the *Apostles*, the one ordinary, which should also descend to all their Successours, who in that power are equal to the *Apostles*; the other extraordinary, wherein they did excell all the *Prophets* of the olde Testament. For the *Apostles* were also *Prophets*, as *S. Peter* prooueth by the authority of the *Prophet Iosel*, against the *Jewes*, who said, that the *Apostles* were drunke, *Acts 2.* And as well obserueth *Abulenſis*, they did excell the *Prophets* in many things; first, in the maner of their *Prophesie*; because God was ready to speake by the *Apostles* whensoever they would, insomuch that they ought not to thinke what they should speake, but the holy Ghost did immediately speake by them, *Math. 10. Luke 21.* But it was not so in any *Prophet* of the *Old Testament*. Secondly, they did excell the *Prophets* in regard of the things which were reuealed; because more high things were reuealed to the *Apostles*, then were reuealed to the *Prophets*. Thirdly, they did also excell in regard of the miracles: for they did wonderfull miracles, not onely as great as *Christ* himselfe did, but also greater, as he said to *Philip*, *Iohn 14. Et maiora horum faciet*, The workes that I doe, he also shall doe, and greater then these shall he doe. For it is read of *S. Peter*, *Acts 5.* that when he passed through the streets in *Ierusalem*, they brought forth the sick into the streets, and laid them in bed, and couched: that when *Peter* came his shadowe at the least might ouershadow any of them, and they all might be deliuered from their infirmities, which neuerthelesse wee doe not reade was ever done by *Christ*, &c. Fourthly, the *Apostles* also did excell the *Prophets*, for that they spake with

Abulenſ. q. 6.
in Praefat. lib.

all languages, Acts 2. And this extraordinary power of the *Apostles* did not descend to all their *Successors*; And therefore it is no good argument from an extraordinary and miraculous power, which was granted to the *Apostles* to inflict corporall punishments, to inferre an ordinary power in their *Successors* to inflict the same.

71 Neither doe those examples which M^r. Fitzherbert bringeth of the miraculous manner of giuing the holy Ghost, as it was giuen in the *Apostles* time in the Sacrament of Baptisme, and Confirmation, make any thing at all for his purpose: for that these Sacraments had in the *Apostles* time commonly two effects annexed to them, the one was ordinary, to wit, the giuing of inuisible grace, which proceeded from their ordinary power, and which therefore was to descend to their *Successors*, the other miraculous and extraordinary, to wit, the visible appearing of the holy Ghost in the persons baptized, or confirmed, and this proceeded from a miraculous and extraordinary power, and which therefore was not to descend to all their *Successors*: neither is it lawfull to conclude that the Pope can worke that visible effect by his ordinary power, which the *Apostles* did by their miraculous and extraordinary power. So likewise Excommunication had in the *Apostles* time commonly two effects; the one ordinary, which was, that the person excommunicated was depriued of spirituall graces and benefits, and of Ecclesiasticall communion, and reputed as a *Heathen*, and a *Publican*, and this effect proceeded from ordinary power, and which therefore was to bee deuised to all their *Successors*; the other extraordinary and miraculous, which was to be corporally afflicted by *Sathan*, and this proceeded from the extraordinary and miraculous power granted to the *Apostles* ouer all *Diuels*, Luc. 9. which therefore was not to descend to all their *Successors*. Wherefore we cannot well conclude that because the *Apostles* did inflict corporall punishments by their miraculous power, therefore their *Successors* may inflict corporall punishments, by an ordinary power, but other reasons must be brought to prooue the same; for it is apparant to every *Schoole-boy* that the former consequence is starke naught.

72 But these visible torments, saith M^r. Fitzherbert, did testifie, that the excommunicated person was deliuered ouer to the inuisible power of the Deuill, as Widdrington, if he do not reforme his pernicious doctrine, both can, and will, ere it be long be excommunicated by the Pope, and deliuered ouer to the inuisible power of the Deuill, which effect was at the first ordinarily testified by the visible torments of the bodies of excommunicated persons; so as Widdrington may, if it please him distinguish betwixt the miracles, and that which was in the primitive Church signified, expressed, and testified thereby. And M^r. Fitzherbert may, if it please him, cleerely see, that I haue distinguished betwixt these two, and haue granted, that the inuisible effect, which was signified, expressed and testified, because it proceeded

ceeded from the ordinary power, which the Apostles had, might bee done also by the ordinary power, which was granted to the Apostles Successors; but not the visible apparitions, torments, or punishments, which did testifie the inuisible effect, for that they proceeded not from the ordinary, but from the extraordinary power of the Apostles. And if his Holinesse shall excommunicate mee, as this man threatneth, without giuing mee any notice what pernicious doctrine I haue taught, that I may reforme and retract it, the excommunication will be more hurtfull to their soules, that shall bee cause thereof, then to mine, according to that saying which Gratian¹ doth attribute to Saint Augustine, *Ilud plane non temere dixerim, &c.* This plainly will I speake without rashnesse, plane, that if any of the faithfull shall bee excommunicated vniuersally, it will rather hurt him that doth, then who suffereth this wrong: and I shall comfort my selfe with those words of our Saviour, *Beati qui persecutionem patiuntur propter iustitiam.* But truly I am fully perswaded, that his Holinesse hath had now so sufficient experience, to what exorbitant proceedings these bad informers haue drawne him, that hee will heereafter bee more warie to proceed against mee, in that strange manner, as the most Illustrious Cardinals of the Inquisition haue proceeded against mee, and my bookes, at which all the world doth wonder.

73 Wherefore, when Mr. Fitzherbert saith, that by the miraculous punishment of Ananias and Saphira, and of Elymas, &c. it pleased God to testifie, that the Church hath power as well ouer the body, as ouer the soule, and therefore it cannot with reason be denied, but that the power remaineth, although the miraculous manner in the execution of is ceased, when the Christian faith was generally received; if he meane, that those miraculous punishments did testifie an ordinary power to bee in the Church; that is in spirituall Pastours, to inflict punishments, as well vpon the bodie, as vpon the soule, this he must proue by some other reason, then by his bare I say, to which in very truth knowing his insufficiency in Theologicall learning I giue but little credit, & therefore with the same facility I deny it, as he saith it; for it is the maine questiō betwixt vs, whether the Church hath any such ordinariē power, or no: But if hee meane, that those miraculous punishments did signifie, and testifie a miraculous and extraordinary power to bee in the spirituall Pastours of the Church in the Apostles time, to inflict in some sort temporall punishments, as well vpon the body, as vpon the soule, then I willingly grant his, I say, but withall deny, that either the power it selfe, it being extraordinary and miraculous, or the effects and execution thereof, which also were miraculous should afterwards remaine in the Church, when the faith was once propagated, and generally received, according to that saying of Saint Gregory, *Signes or miracles were giuen for Infidels, not for the faith-*

Abul. q. 96. in
c. 20. Math.

full. I said, to inflict in some sort temporall punishments, for, as well observeth *Abulenſis*, the punishment which Saint Peter inflicted upon *Ananias*, and *Saphira*, was only by the way of prediſtion; whereupon hee was not as a Judge, or executioner of Chriſt, but as a Prophet, and the punishment inflicted by Saint Paul was by way of prayer and interceſſion; whereupon it waſt not any uſe of Iuriſdiction, but of a miracle, becauſe the Devils are not ſubiect to the commaund of men, and ſoneither of them did exerciſe the uſe of coercive (temporall) power.

1. Cor. 5.

74 And by this alſo that which Mr. Fitzherbert immediately addeth, is eaſily answered. Beſides that, ſaith he, it is to be conſidered for the further explication of this point, that although the punishments were miraculous and extraordinary for the manner of them, yet if we conſider the punishments themſelves, the Apoſtles exerciſed therein their ordinary and Apoſtolicall Iuriſdiction, as being the ordinary Judges, to whom the chaſtiſement of ſpirituall offences appertained, which is evident in the punishment of the incestuous Corinthian by the formall, and iudiciall ſentence pronounced by the Apoſtle ſaying; *Ego quidem abſens*, &c. I indeede abſent in body, but preſent in ſpirit, haue already iudged, as preſent, him that hath ſo done, in the name of our Lord *Ieſus*, you being gathered together, and my ſpirit, with the vertue of our Lord *Ieſus*, to deliuer ſuch a one to *Sathan*, for the deſtruction of the fleſh, that the ſpirit may be ſaved in the day of our Lord *Ieſus Chriſt*. Thus did the Apoſtle fulminate his terrible ſentence of Excommunication; ſhewing, and exerciſing his Apoſtolicall authoritie. And the ſame is alſo to be underſtood concerning the corporall

S. Chryſoſt. in
hunc locum.

S. Hieron. epiſt.
150. ad Hedib.
ani q. 2. in fine.
Apud Auguſt.
l. 3. c. 16.

punishment of *Ananias* and *Saphara*, in which reſpect Saint Chryſoſtome ſaith; *That Petrus faciebat terribile iudicium*, Peter executed a terrible iudgement vpon them; and Saint Hierome ſaith, that meruere ſententiam Apoſtoli, They deſerued the ſentence of the Apoſtle; and the Authour of the booke, *De mirabilibus Scripturæ*, amongſt Saint Auguſtines workes, ſaith, that *Petrus ligauit*, &c. Peter did bind *Ananias*, and his wife with the bond of death, vt *authoritas Apoſtolica quanta eſſet oſtenderetur*, that it might appeare how great was the Apoſtolicall authoritie. Thus Mr. Fitzherbert.

Bell. l. 1. de
Rom. Pont. c. 9.

75 But I neuer denied, that the Apoſtles were ordinary Judges, to whom the chaſtiſement of ſpirituall offences appertained, but that which I deny is, that by theſe miraculous punishments of *Ananias* and *Saphira*, and the incestuous Corinthian, or ſuch like it can be prooved, that the Apoſtles were ordinary Judges to inflict temporall punishments for ſpirituall offences, or that they exerciſed therein, I doe not ſay their Apoſtolicall, but their ordinary power and Iuriſdiction (for the Apoſtles had two powers, one ordinary, and which ſhould deſcend to their Succeſſours, the other extraordinary, or delegate, which therefore ſhould not deſcend, neither is it lawfull from the punishments, which they

they inflicted by their *extraordinary* power, to inferre that they did, or might inflict the like punishments by their *ordinary* power) this I say cannot be prooued by any *miraculous* fact or punishment, which the *Apostles* inflicted by their *extraordinary* and *delegate* power. And therefore, although the *Apostle* in pronouncing his terrible sentence of *Excommunication* against the incestuous *Corinthians* shewed, and exercised his *ordinary Apostolicall* power, forasmuch as concerned the deliuering him ouer to the *inuisible* power of *Sathan*, yet forasmuch as concerned the deliuering him ouer to the *visible* power of *Sathan*, that is, to bee visibly tormented by him, the *Apostle* did not vse his *ordinary Apostolicall*, but his *extraordinary Apostolicall* power. And the same is also to be vnderstood touching the corporall punishment of *Ananias* and *Saphira*, to wit, that Saint *Peter* vsed therein his *extraordinary Apostolicall* power, as I obserued aboue out of *Abulenſis*.

76 Neither doe *S. Chrysostome*, *S. Hierome*, or *S. Augustine* say any thing contrary to this. For all that can be gathered from their wordes is onely this, that the iudgement of *S. Peter* was terrible, and that they deferred the sentence of the *Apostle*, and that the binding of *Ananias* and *Saphira* with the bond of death, did proceed from an *Apostolicall* authority: but that this their sentence & iudgement, and the binding of them with the bond of death, did proceed from *ordinary Apostolicall* authority, this cannot any way be gathered from the wordes of those holy *Fathers*, but rather the flat contrary. For *S. Chrysostome* doth attribute their punishment to a *great miracle*, both in regard Saint *Peter* knew their thoughts, and what they had done priuily, and also for that hee killed them by the commandement of his word. And Saint *Hierome*, although he deny, that Saint *Peter* commanded or desired their death, yet he attributeth that sentence of the *Apostle* to a *miracle*, and to the spirit of *Prophecie*. The *Apostle* Saint *Peter*, saith he, doth not wish their death, as foolish *Porphyrie* doth calumniate, but with a propheticall spirit he foretold the iudgement of God, that the punishment of two might bee a doctrine to many. So likewise the Author de mirabilibus S. Scripture, doth attribute their punishment to a *miracle*, and to the *Apostolicall* virtue of *Christ*, and to the same power whereby hee raised *Tabitha* from death, which words Mr. *Fitzherbert* was willing to conceale. And Saint *Augustine* himselfe compareth this fact of Saint *Peter*, to that of *Helizai*, at whose prayer or curse two beares came forth of the Forrest, and tore fourtie two boyes that mocked him, saying, Come vp balde head, come vp balde head. Wherefore Mr. *Fitzherbert* may distinguish, if it please him, betwixt the *ordinary*, and *extraordinary* power of the *Apostles*, and cleerely see, that from the facts and punishments, which the *Apostles* exercised by their *extraordinary, delegate, & miraculous* power, which therefore doth not descend to their *Succeſſours*, it is not lawfull

Chryſt. hom. 12.
in Act.

Hieron. epist. 3
ad Demetriad.

August. serm.
204. de tempo-
re, qui est sermo
3. in Dom. 4.
post Trinit.
4 Reg 2.

to argue, that the *Apostles* by their ordinary power might do the same, or that their successors haue therefore power to inflict the like punishment.

m Pag. 125.
nm. 28.

77 But heere, saith M^r. Fitzherbert, ^m perhaps Widdrington will say, that if Saint Peter exercised his Apostolicall power, and iurisdiction therein it followeth that the Pope, or other Ecclesiasticall Iudges, may also giue sentence of death, yea execute vpon such as deserue it, which is contrary to the custome and Canons of the Church. Whereto I answere, that for as much as that time there were no Christian Princes, or Magistrates to do iustice in that kind, and that it was necessary in the beginning to inflict such an exemplar punishment vpon those two hypocrites for the terror of other:; Saint Peter thought good to performe it himselfe, although afterwards when Christian Religion was further propagated, and Christian Princes held it for an honour to them to serue God, and his Church with their temporall lawes and power, the Church thought it needlesse to inflict bloodie penalties, not because it might not doe it, if it would, but because it seemed more decent, and conuenient for lenitie of a pious Mother to abstaine from the same, and to vse more, milde, and lesse rigorous punishments; in which respect the Church hath alwayes retained the vse of some temporall, and corporall chastisements; although she haue restrained her Ministers by Canons, and constitution from the effusion of blood, remitting the iudgement, and execution thereof, wholly to the secular Magistrates, who haue by their lawes sufficiently provided for the execution of iustice in that kind.

n Cha. 3. vñ. 15
and 16. and
chap. 5. sec. 2
nm. 9 & seq.
o Apolog nm.
43. & seq.

p Chap. 2. nm.
15. 16.

q Part. 1. sec. 9
nm. 5. & seq.

78 But first, without perhaps I doe say, and haue evidently conuincd, not from those miraculous facts of the *Apostles*, but from the doctrine, and grounds of Cardinall Bellarmine, and others, who maintaine the Popes power to depose Princes, and to dispose of all their temporalls, that the Pope by the institution of Christ, hath authoritie also to kill wicked Princes by all those wayes publike, or priuate, by which temporall Princes haue authoritie to depriue their subiects of their liues, as I haue insinuated *aboue* in this Treatise, ⁿ and prooued at large in my *Apologie*, ^o to which D. Schulkenius answereth onely with a *transcat*, let it passe as not belonging to the matter: and M^r. Fitzherbert both in other places of this his Reply, and also heere by these words, [not because it might not doe it, if it would] doth expressely acknowledge as much, although forsooth he will not meddle with the liues of Princes to avoid enuy, and yet he feareth not to say, ^p That the Pope can take away my life, and the liues of all Christians: Now what a scandalous doctrine this is, and what feares, and ielousies of continuall treasons, inhumaine gun-powder plots, and bloodie Assassinares against their Royall persons, those Christian Princes especially, who dissent from the Catholike Romane Religion, may iustly conceiue thereby, I haue sufficiently prooued in my *Appendix* against Fa. Suarez, ^q where also I haue cleerely conuincd, that this pretence of Ecclesiasticall lenitie, and the

the clemencie of a *Pious mother*, which onely for mildnesse sake, as they pretend, and not by any obligation doth not vse such rigorous punishments, is a meere shift, and cloake to dazell the eyes of the simple, and vlearned Catholikes. For as it is no clemencie, but a plaine crueltie for a mother not to cut off one member of her beloued child, when it is in danger to infect, and kill the whole body, so also the Pope should be cruell to the Church of God, not to cut off an hereticall Prince that is in danger to infect the other members of the Church, if we once suppose this scandalous, & damnable doctrine, that the Pope hath power in order to spirituall good to dispose of all the temporals, both of Christian Princes, & subiects, as temporall Princes haue in order to temporal good, authority to dispose of al the temporal, & corporal goods of their subiects.

79 Secondly, it is not true, that the Church hath alwayes retained the vse of some temporall and corporall chastisements, except onely by way of commaund, whereof I neuer made doubt: As also that reason, which my *Adversary* heere bringeth, why the Church now, since Christian Religion hath bene further propagated, and Christian Princes haue held it for an honour to them to serue God, and his Church with their temporall lawes, thought it needlesse to inflict bloody punishments, especially vpon wicked, and disobedient Princes for that by their lawes they haue sufficiently provided for the execution of iustice in that kind, is very weake, and insufficient, because although Christian Princes haue sufficiently prouided for the execution of iustice with bloodie punishments against their subiects, yet they haue no way prouided for the execution of iustice in this kind against themselves; and therefore if Christian Princes themselves become heretikes, and seeke to draw their subiects to their heresie, neither Ecclesiasticall lenitie, nor the reason that my *Adversarie* heere hath brought, why the Church now thought it needlesse to inflict bloodie penalties, can be any hinderance, why the Pope may not proceed against them with bloody punishments, if we once suppose, that he hath power and authoritie so to do. But the true, & ancient doctrine is, that a Priest, as he is a Priest, is forbidden by the law of Christ to vse, and not onely is counselled for decencie sake not to vse, the material, or temporal sword.

See above part.
2. ca. 9.

80 But now Mr. Fitzherbert for the vphot and conclusion of this Chapter, will cleerely prooue by an argument, which no man forsooth of iudgement can denie, that the supreme spirituall Pastour hath power to punish his sheepe, or subiects, not onely in their soules, but also in their bodies, and goods. And truly I cannot but wonder, saith hee, that any man of iudgement can thinke it unlawfull for the supreme spirituall Pastour, to punish his sheepe, or subiects in their bodies, or goods, seeing that it cannot be denied, but that he is their Pastour, and superior in regard not onely of their soules, but also of their bodies, that is to say, of their whole persons wherein their bodie is necessarily included; and therefore for as much as

1. Pag. 126.
nu. 39. 30.

enery

every man is bound to serve God no lesse with his body, then with his soule, and that the body concurrereth with the soule to the execution of all externall workes, good and bad, and shall be either glorified, or tormented eternally together with it, no man can with reason denie, but that he who hath the direction, and gouernement of the whole person for the eternall good thereof, may punish the same as well in the one part, as in the other (as also in what else soeuer is accessorie to the said person) when the same shall be requisite for the eternall good, and saluation thereof. So as reason it selfe may teach vs, that the Apostollicall power, and authoritie extended it selfe to the punishment, not onely of the soule, but also of the body, and goods, when occasion required. And this I hope, may suffice for the confutation of Widdringtons answers concerning the law of God and Nature; and therefore I will now briefly examine, what he saith concerning the law of Nations, and the Ciuill, or Imperiall law, which shall be the subiect of the next Chapter.

81 But truly I cannot but wonder, that Mr. Fitzherbert, who is taken, and commended by many for a man, although not of any great Schoole-learning, yet of a deepe, and rare naturall iudgement, should so palpably bewray both his want of learning, and also his weakenesse of iudgement. For by his owne argument any man of iudgement may conclude, that a temporall Prince may punish his subiects not onely in their bodies and goods, but also in their soules: seeing that it cannot be denied, but that he is their Superiour in regard not onely of their bodies, but also of their soules, that is to say, of their whole persons, wherein their soules is necessarily included; and therefore for as much as every Christian man is bound to serve his temporall Prince, and obey his iust lawes, no lesse with his soule and for conscience sake, then with his body, and that the soule concurrereth with the body to the execution of all externall workes, good and bad, and shall be either glorified, or tormented eternally together with it, no man can with reason denie; but that hee who hath the direction and gouernement of the whole person for the temporall good thereof, and the publike good of the whole common-wealth, may punish the same as well in the one part, as the other (as also in what else soeuer is accessorie to the said person) when the same shall be requisite for the temporall good of the said person, and the publike good of the whole common-wealth. So as reason it selfe may teach vs, that temporall authoritie extendeth it selfe to the punishment not onely of the body, but also of the soule, when occasion requireth.

82 Now what will Mr. Fitzherbert in his iudgement say to this argument? Can he denie, that a temporall Prince is not Superiour to every person, that is subiect to the lawes of his kingdome? Or can hee deny, that when a temporall Prince commaundeth his subiects to doe any thing, that part which is principally commaunded, is the soule, which

which is capable of reason, and therefore chiefly subiect to command, and not the bodie, which is not endued with reason? for which cause neither the soule, if it want the vse of reason, is subiect to command, as it appeareth in infants, and mad men, who although they should kill a man, doe no more transgresse the law made against murder, then if a wild beast should doe the same: And therefore it cannot be denied, but that as well a temporall *Prince* in order to temporall good, as a spirituall *Pastour* in order to spirituall good is superiour to the whole *person* of man, although the soule, which is capable of reason, and vnderstanding, and not the body, is chiefly subiect to the commandment as well of temporall *Princes* in order to temporall good, as of spirituall *Pastours* in order to the spirituall, and eternall good of their soules. Moreover a Christian *Prince* is to direct, and gouerne by temporall lawes the *persons* committed to his charge, not onely for their temporall good, but also for their spirituall, and eternall: for that the end of a Christian *Prince* is, also according to Card. *Bellarmines* doctrine, ¹ not onely temporall good, and externall peace in the common-wealth, but also euerlasting happinesse, for which man was principally created, and to which every Christian *Prince* ought, as much as lyeth in him, to bring the soules of his subiects; and therefore he may according to my *Adversaries* argument punish them as well in their soules as in their bodies, when it shall be requisite to the eternall good, and saluation of the whole *person*. Whereby you may see, what little reason any man of iudgement can haue to repose his soule, and conscience vpon the learning and iudgement of this man, who here in a matter of such importance, hath so grossly discouered his great want of learning & iudgmēt.

83 *Secondly* therefore, the weakenesse of this argument will cleerely appeare, and the confused, and cloudie mist of the *Popes* Superioritie ouer the whole *person* of euery Christian man, which Mr. *Fitzberbert* for want either of learning, and iudgement, or of sinceritie hath cast before the eyes of the vnlearned *Readers*, will be easily dispersed, and their vnderstandings cleered, if they distinguish betwixt the *directiue*, or commanding, and the *coercive*, or punishing power both of temporall *Princes*, and also of spirituall *Pastours*. For to omit now Metaphisicall questions (as in what consisteth essentially the *person* of man, and how the *person* of man is distinguished from his humanity, or which is all one, from the body and soule of man being vnited in one essentiall compound, and whether the subsistence, or personalitie of man be a simple, or compound entitie, a spirituall, or corporall, or mixt of both, for if it be a simple entitie, we cannot properly say the whole *person* of man, as though the personality of man were compounded of parts, which difficulties the vulgar sort cannot well comprehend) and to take the whole *person* of man in the common vulgar sense,

as it is a particular, or indiuiduall substance, including both body and soule, it is euident, that the soule of man is, if not onely, yet principally subiect to the *directiue* or commanding power, not onely of spirituall *Pastours*, but also of temporall *Princes*, for that lawes are not made but for reasonable creatures, and who haue free will to obserue or transgresse the law. And therefore although a temporall *Prince* hath power to force or punish the bodies of his subiects, yet he cannot command their bodies, because they are not capable of reason or vnderstanding.

84 But we must not argue in the like manner concerning the *coercive*, or punishing power. For, considering that not onely the soule, but also the body are subiect to punishments, according to their nature, to wit, the soule to spirituall, and the body to temporall punishments, therefore as well the body as the soule are subiect to the *coercive*, or punishing power in generall, according as it may inflict corporall or spirituall punishments. Wherefore, neither from the superiority, or authority, which spirituall *Pastours* haue to direct or command the *persons* of their spirituall subiects, nor from the authority which temporall *Princes* haue to direct or command the *persons* of their temporall subiects, can we rightly conclude, what authority either spirituall *Pastours*, or temporall *Princes* haue to punish the soule, or the body, or, which is all one, to inflict spirituall or temporall punishments: for that the soule, and not the body is principally subiect to the *directiue* or commanding power. So that by this manner of arguing from the *directiue* power to the *coercive*, it may rather be concluded, that temporall *Princes* may punish the soule, for that they haue power to command the soule, rather then that spirituall *Pastours* may punish the body, for that they haue not power to command the body, which being an vnreasonable creature, is not subiect to any externall commandement. But what *coercive* authority either spirituall *Pastours*, or temporall *Princes* haue to punish the body or soule, wee must gather from the institution of *Christ*, to wit, whether *Christ* our Sauour hath giuen authority to spirituall *Pastours* to inflict onely spirituall punishments, and consequently to punish onely the soule, and to temporall *Princes* to inflict onely corporall and temporall punishments, and consequently to punish onely the body, and not the soule, but onely by consequence as being grieued when the body either in it selfe, or in some temporall things annexed therunto, is punished. So that the maine question, notwithstanding Mr. *Fitzherberis* argument, still remaineth a foote, to wit, whether *Christ* our Sauour hath giuen to spirituall *Pastours* authority to inflict onely spirituall, or also temporall punishments; neither can this question bee decided by any argument grounded vpon naturall reason, but only vpon the holy Scriptures, wherein the institution and law of *Christ* is contained.

85 And although the holy Scriptures doe expressely testifie, that the *Apostles* did in some sort punish, to wit, as *Abuleasis* before^e declared, by way of *prediction*, or *deprecation* not onely Christians, but also infidels in their bodies, as *S. Paul* foretold the blindnes of *Elymas* the Magician, & *S. Peter* the death of *Ananias* and *Saphira*; yet because this was done by them *miraculously*, and by that *extraordinary* power which they had giuen them by *Christ*, which therefore was not of necessity to descend to their Successours, we cannot deduce a good argument from thence, that therefore spirituall *Pastours* haue now an *ordinary* power to inflict the same punishments, but onely that they may inflict them in that manner, and by that power wherewith the *Apostles* did, to wit, by *miracle*, in which case I will not deny, but that if perhaps any holy *Pope* or *Bishop* haue the grace of miracles, he may by propheticie foretell, or by prayer obtaine that such a wicked *Prince*, whether he be *Christian* or *Heathen*, shall by *God*, the Angels, or the Deuill bee deprived of his life and kingdome. Neither doth reason teach vs, that because Saint *Peter* and the *Apostles*, had so ample and *extraordinary* Apostolicall power to inflict corporall punishments, therefore the *Pope* and the *Apostles* Successours should haue an *ordinary* power to inflict the same. Foras *Christ* gaue to the *Apostles* such an *extraordinary*, and transcendent power, so he gaue them an *extraordinary* grace and vnderstanding, that they should not either bee puffed vp with pride by reason of so great a power, or at any time abuse the same in preiudice of themselves or others: which *extraordinary* grace & vnderstanding *Christ* gaue not to all future *Popes* and *Bishops*: Wherefore seeing that this plenitude of Ecclesiasticall power to depose *Kings*, and to dispose of all temporalls, supposing the humane fragilitie of *Popes*, who therein are like to other men, might be occasion, to vse *Almaines* words, "*for the Popes to be puffed up with exceeding great pride, and might also be very hurtfull to subiects,* there is no likelihood that *Christ* gaue him such a power.

u Almain
de potest. Eccl.
Or Latia q. 1.

c. 9.

86 Neither doe I make any doubt, that either *Christian Princes* or people would bee any way grieved, but rather very glad, that the *Pope* should haue so ample a power and authoritie ouer their bodies and goods, if they were assured that he were so confirmed in grace, and enlightened with supernaturall knowledge as the *Apostles* were, that hee should alwayes in very deed vse it to the good of their soules, and neuer abuse it to the great preiudice of them and their subiects. But seeing that *Popes* are, as other men, subiect to all humane infirmities, and may not onely be tempted, but also overcome with ire, enuy, hatred, flattery, and a vehement desire to encrease their temporall States and Dominions, no maruaile that Soueraigne *Princes*, who euer haue beene accounted supreme in temporals, and therein inferiour onely to *God*, cannot take it well, to bee made now subiect to the *Pope* in temporals;

vnlesse

vnlesse sufficient reason bee brought to prooue the same.

And this I hope may suffice for the confutation of all that Mr. Fitzherbert hath replied concerning the law of God, and Nature; and therefore I will now briefly examine, what hee saith concerning the law of Nations, and the Ciuill, or Imperiall law, which shall be the subiect of the next Chapter.

CHAP. VIII.

Wherein M. Fitzherberts arguments taken from the Law of Nations and the Ciuill Law are answered: and first the difference betwixt the Priests of the olde and New Testament, and the Priests of other Nations, and also betwixt the Law of Nations, and of Nature is declared, and from thence proued that among all Nations the Ciuill Common-wealth reaspreame, and disposed of all things both spirituall, and temporall, and punished all persons both Priestes and others with temporall punishments: and consequently that the new Oath cannot bee impugned by the Law of Nations: and lastly what Maister Fitzherbert obiekteth from the Ciuill Law is confuted.

1.



IT is a visuall trick of Mr. Fitzherbert, as you haue seene in the former Chapters, and also shall see in this, and the rest, then most of all to bragge, when hee hath least cause, and when any answer of mine is most sound, and sufficient, then to crie out that it is improbable, impertinent absurd, frivolous, foolish, idle, or ridiculous. Hee pretended to prooue in his Supplement by the law of Nations, that the new Oath is unlawfull in regard it denyeth the Popes power to excommunicate, and depose temporall Princes, not for that hee thought it otherwise needfull, hauing, as hee saith, prooued already (but how insufficiently you haue seene) that the Oath is contrarie to the law of God, and Nature, but to satisfie the importunitie of his Adversarie, and to giue his Reader an abundant satisfaction, because as the Lawyers say, abundans cautela non nocet, a promise too much neuer hurteth. And to all the arguments he brought from the law of Nations, and the Ciuill law, I gaue this brieve answer as heere hee setteth it downe.

2 *Septimo, ex iure Gentium nihil aliud probat hic Author, &c.*
 Semently, this *Author* prooueth nothing else by the law of *Nature*, but that all people euer held Religion in the highest price, or esteeme and preferred it before policie: but that the *Priests* of the *Gentiles* had power, as they were *Priests*, to punish any man with death, or the deprivation of all his goods, it did not proceede from the law of *Nature*. granting them such an authoritie, but from the municipall lawes of the *Gentiles*, the which *Cicero* (whom this *Author* citeth) doth most manifestly confirme, saying that it was diuinely inuented, and ordained by the ancient *Romans*, that their *Bishops* should haue the chiefe command both in matters belonging to the Commonwealth, and to the religion of the immortall Gods. And as for the *Ciuill* law, this *Author* onely confirmeth by it, that the *Bishop* of *Rome* is the supreme *Gouernour* of the *Church* in spirituall things. Thus I answered in that brieve *Admonition*.

Pro domo sua.

3 Now *Mr. Fitzherbert* to this my Answer maketh as you shall see, no other Reply, then that, which I did fully satisfie aboue in the last Chapter, when I treated of the law of *Nature*: and therefore it were needelesse to set downe heere his wordes *verbatim*, but that otherwise hee would take occasion to bragge after his accustomed manner, that I haue concealed, and dissembled his strongest arguments. Obserue therefore well what hee saith. But if thou hast, saith hee, a well noted, good Reader, what was the effect, and substance of my discourse concerning the law of *Nature* thou wilt easily discover the weaknesse of this answer. For whereas hee would prooue by *Cicero* his wordes alleadged by me, that the authoritie of the *Pagan Priests* to punish the supreme *Secular Magistrates* with death, or deprivation of goods, proceeded not from the law of *Nature* but from the municipall lawes of the *Gentiles*, I must desire him to call to minde what was my inference vpon the wordes of *Cicero*, and the examples by mee alleadged; to wit, that this law, and custome amongst the *Romans* had no other ground in their opinion, but the Law of *Nature*, because they hauing no other light to guide them, but the light of reason, held it to be most conforme to *Nature*, that religion should bee preferred before policie, and temporall things subordinate to spirituall, by the same reason that things lesse perfect are inferiour to the more perfect, the body to the soule, earthly things to heauenly, men to *Angels*, and the like.

4 So albeit I doe not deny but that their custome proceeded from their municipall law, yet it doeth not follow thereon, that it did not also proceede from the Law of *Nature*, but rather the contrarie, because their municipall law in that point had no other ground, but the Law of *Nature*, which moued them to make that Law. For although the Law of *Nature* could not teach them the mysteries of *Christian Religion*, nor in what manner *God* was to be worshipped, and serued, in which respect they both might, and did erre in those

those things, which pertained to particular points of religion, (as also other Nations did which had not the light of grace) yet not onely they, but also all other Nations, being enlightened by nature, agreed in certaine generall principles touching religion, as concerning the necessitie, and dignitie thereof, and that all humane actions ought to bee leuelled, and referred thereto, as to their end; whereupon necessarily followed the subordination, and subiection of temporall things to spirituall, and of the Civill, or politicall Societies to the Religious, in matters that touch religion: and all this I explicated further in my Supplement, when I treated of the law of Nations in particular, in these words. Thus Mr. Fitzherbert.

5 Whereby first of all you may easily see, that all the proofes hee bringeth from the law of Nations, he reduceth to the law of nature, and that therefore what I said in the sixth Chapter concerning the law of nature doth fully satisfie all that hee saith heere concerning the law of nations. And secondly you may see, what a prettie circle hee maketh, and how cunningly he would prooue the same by the same. For in his sixth Chapter hee pretended to prooue, that the authoritie of *Pagan Priests* to punish temporally the supreme Civill Magistrate did proceede from the law of nature, for that it proceeded from the custome and law of all Nations: and now heere hee prooueth, that this their authoritie did proceede from the custome, and law of all Nations, for that it proceeded from the law of nature, by which kinde of arguing hee prooueth in very deepe *idem per seipsum*, the same thing by the very same.

6 Seeing therefore that all hee saith heere is a meere repetition of that hee said in his sixth Chapter, I will also reduce into a brieve compendium what I answered there, that the Reader may thereby cleerely see; that hee hath no way satisfied, albeit hee pretend to have given an abundant satisfaction to that which I answered in my brieve Admonition, as well concerning the law of Nations, as Nature. And to take away all equivocation and ambiguitie of wordes, although the law of nature doth properly signifie the light of naturall reason teaching or prescribing some thing of necessitie to bee done, or omitted, or, which is all one, commanding some thing to bee done, or not to bee done, for that every law being taken properly doth intrinsically include some precept, or commandement, neuerthelesse wee doe not now take the law of nature in this proper, and strict sense, but more generally, for the light of naturall reason, not onely as it commandeth, or forbiddeth, but also as it giueth, granteth, teacheth or prescribeth any thing, abstracting from all positive lawes, grants, and ordinances of God, or man. So that every right, power, or authoritie, which the light of naturall reason, abstracting from the positive ordinances of God, or man, teacheth to bee due, or belong to any man, is said to belong to him by the law

law of Nature, as the right which every man hath to defend himselfe and his goods, although it bee with the death of the inuader, is giuen him by the *law of nature*; Likewise the power, and authoritie, which the Ciuill common-wealth hath ouer euery member thereof, supposing the vnion of men in one Ciuill Societie, is granted by the *law of nature*, for that the light of naturall reason, abstracting from all positie lawes, or graunts of GOD, or man, doeth teach, and ordaine the same.

7 Now to the point, and to the inference, which Mr. *Fitzherbert* made vpon the wordes of *Cicero*, and the examples by him alleadged; first, I did willingly grant, that the light of naturall reason doeth teach vs, that Religion is to bee preferred before pollicie, and temporall things are in perfection subordinate to spirituall, by the same reason that things lesse perfect are inferiour to the more perfect, the body to the soule, earthly things to heavenly, men to Angels and the like; and that therefore when there are two things concurring, and commanded to bee done, whereof the one concerneth religion, the other pollicie, the one spirituall things, the other temporall, the one concerneth the soule, the other the body, wee must preferre, *ceteris paribus*, that which concerneth religion before that which concerneth pollicie, and that which concerneth spirituall things before that which concerneth temporall, and that which concerneth the soule before that, which concerneth the body: and this the light of true naturall reason doeth teach vs.

8 But what of all this? will hee conclude from hence, that because *Religious Priests* are in perfection, and nobilitie superiour to temporall *Princes* by the same reason that pollicie is in perfection inferiour to Religion, therefore the light of naturall reason doeth teach vs, that *Religious Priests* may punish temporally *temporall Princes*, and are superiour to them in temporall authoritie? This is a very vicious consequence, and by the like argument wee may conclude, that because *Angels* are superiour to men in perfection, and excellencie of substance, knowledge, and naturall strength, therefore they are also superiour to men in authoritie, and commaund, and that men are bound by force of obedience to doe what the *Angells* shall prescribe, which no Diuine will grant, vnlesse they bee sent by GOD as his messengers, and ministers. And likewise wee may conclude, that hee who hath one of the liberall sciences, is by the *law of nature* superiour in authoritie to every trades man, by the same reason that things lesse perfect are inferiour to the more perfect, and euery seruile trade is subiect, and inferiour in perfection to euery one of the liberall arts: and yet whosoever should argue from the *law of nature* in this manner, would bee esteemed to bee in this point no lesse then a very naturall: for that

from the *law of nature*, & the light of naturall reason we can only conclude, that in what degree of superiority one thing is superiour to another, in the like degree of subiection this is subiect, and subordinate to that, and that therefore temporall things are subiect to spirituall in dignity and perfection, because these are superiour to them herein; but to transcend from one kind of superiority to another, and from superiority in perfection & dignity, to argue a superiority in command, and authority, or from a superiority in spirituals, to argue a superiority in meere temporall things, is contrary to the light and prescript of true naturall reason.

9 Secondly, I did also graunt that all *Nations* being enlightened by *Nature*, did agree in certaine generall principles touching Religion, as concerning the necessity and dignity thereof, and that all humane actions ought to be leuelled and directed by the square, and rule of Religion, and referred thereto, as to the end of man, although not to the intrinsecall end of the actions themselves, as I declared aboue in the *second* part; whereupon doth necessarily follow a subordination and subiection of temporall things, to spirituall, & also of the ciuill Society to the religious in dignity and perfection: But it doth not follow from the *law of nature*, or the light of naturall reason, that the *religious Society*, as it is distinguished from the *ciuill*, should haue power and authority to command; and much lesse to punish, especially with temporall punishments, the *ciuill Societie*. And the reason hereof I alleged in that place out of the doctrine of *Abulenſis*.^b

b Cap. 6. m. 35.

10 Because euery man liuing according to the *law of nature*, and the light of naturall reason may be considered, either as liuing by himselfe alone, or else as liuing with other men in *ciuill Society*. If hee be considered as liuing by himselfe alone, what power soeuer hee hath either concerning temporals or spirituals, concerning his body or soule, is in himselfe alone, so that he hath neither power to command or punish but himselfe alone; and in this manner euery man is a *Priest*, and by the *law of nature* hath authority to worship *God*, and to sacrifice to him in all places, and at all times, and with all kinde of Sacrifices, which the prescript of true reason doth not teach to be vnlawfull, for that the *law of nature*, or the light of naturall reason doth not limit, or determine to a man as liuing by himselfe alone any certaine time, place, or maner of worshipping *God*, and doing sacrifice to him. But if a man be considered, as hee is a part and member of some *ciuill Societie*, or Common-wealth, then no private man; but the Common-wealth it selfe, or the supreme Gouvernour thereof, hath by the *law of nature*, and prescript of naturall reason all authority to command, dispose, ordaine, and punish as well concerning religious as ciuill affaires: So that in this manner the *Common-wealth* it selfe, or the supreme Gouvernour

nour thereof is the *publike Priest*, and none hath authority to offer Sacrifice to God, or to worship him in any publike manner, and as a publike person, but the *Common-wealth* it selfe, or those, whom in her place she shall appoint; neither can any priuate or particular man haue any publike authority to command, ordaine, or punish, for matters belonging to the worshipping of God, but that which the ciuill *Common-wealth* is pleased to grant him.

II Wherefore there is a great difference, as I noted in that place, betwixt the *Priests* and the *Religious Society* in the *law of nature*, before any positiue law of God was published, and the *Priests* and *religious Society* in the *olde* and *new Testament*. For in the *law of nature* there were not two distinct and independent *Societies*, the one *Religious*, the other *Ciuill*, but the *ciuill Society* had all power and authority to command and dispose, as well concerning the publike seruice of God, as concerning ciuill gouernment; neither did the *law of nature* determine, or appoint any certaine men who should be *Priests*, and should haue full authority to commaund and dispose of those things which belonged to the publike seruice of God, but this authority was in the *Common-wealth* it selfe, which appointed certaine men to be the *publike ministers*, as well concerning the publike worshipping of God, with religious rites and ceremonies, as concerning the ciuill gouernment of the *Common-wealth*; neither had these *publike ministers* any more authority or command, then the *Common-wealth* did giue them; so that it was in the power of the *Common-wealth* to extend, diminish, or quite take away the power, authority, command and priuiledges, which by her authority were granted vnto them. But since the positiue *law of God* was written, the *religious* and *ciuill Societie* are two totall and independent *Common-wealths*, neither hath the *ciuill Common-wealth*, or the supreme *Gouernours* thereof any authority to determine matters concerning religion, and the *publike seruice* of Almighty God, for that hee himselfe hath appointed those that shall be *publike Ministers* in matters belonging to Religion, to wit, in the *olde Testament* the sonnes of *Aaron*, and who by naturall propagation should descend from him, and in the *new Testament* his *Apostles*, and who by lawfull ordination shall descend from them, and what spirituall authority these Ministers haue they doe not receiue from the *ciuill Common-wealth*, but from God himselfe.

12 Whereupon it is euident, that we cannot gather what authority and priuiledges the *Priests* either of the *olde Testament* had, or of the *new Testament* haue, from the *law of nature*, for that all the authoritie and priuiledges which the *Priests* in the *law of nature* had, did wholly depend vpon the *ciuill Common-wealth*, by whose authority those *Priests* and Ministers of religious rites and ceremonies were made, but

what authority either to command or to punish either Lay-men, or Clergie-men the *Priests* of the *olde Testament* had, and of the *new Testament* haue, we can onely gather from the positive institution, and graunt of God, who hath giuen and determined their authority, and not from the *law of nature*, wherein the *Priests* were subiect to the *civil Common-wealth*, and had all their authority from the *Common-wealth* it selfe. And by this which I haue now said here, and more at large declared in the *sixt* Chapter, is fully satisfied all that M^r. *Fitzherbert* hath said aboue, and repeateth heere out of his *Supplement* concerning the *law of nature*, in these words:

c Pag. 130.
no. 5.

13 First then, saith hee, ^c it is to be considered, that humane law is commonly diuided into *Ius Gentium*, *Ius Ciuile*, and *Ius Ecclesiasticum* vel *Canonicum*, the law of *Nations*, the *Ciuitall* law, and the *Canon* or *Ecclesiasticall* law. And as for the law of *Nations* (which is a humane law, so easily and directly deduced from the very principles of Nature, that all Nations doe receiue and admit it) it is manifest, &c. But before we goe any farther, it will not be amisse to obserue the difference, which the learnedst *Diuines* of this age doe make betwixt the law of *Nations* and *Nature*, for vlesse we know and agree what the law of *Nations* is, we shall dispute thereof to little purpose. First therefore M^r. *Fitzherbert* by those words [which is a humane law so easily and directly deduced from the very principles of Nature, that all Nations doe receiue and admit it] doth seeme to signifie, that onely the knowne morall principles or generall maxims of Nature, or naturall reason doe belong to the law of Nature, and the conclusions, which are easily and directly deduced from them, doe belong to the law of *Nations*: which doctrine neuertheless all the *Diuines* of this age, euen of his owne *Societie* doe commonly reiect, as you may see in *Vasquez*, *Salas*, & *Suarez*, who doe therefore affirme, that the law of Nature doth comprehend not onely all morall principles, but also all conclusions, which are easily and directly, or by an euident and necessary consequence deduced from those principles of Nature.

Vasq. 1a. 2a.
disp. 154. cap. 3
Salas Disp. 5. de
Leg. sec. 5.
Suarcz l. 3. de
Leg. c. 7.

14. For all morall things, which are knowne by naturall reason, are either the first generall principles of manners, as *virtue is to be embraced*, *vice to be shunned*, *Do not that to another, which thou wilt not haue done to thy selfe*; and these without all doubt doe belong to the law of Nature; or else they are principles not so generall, but yet euidently knowne of themselves, as *Iustice is to be kept*, *God is to be worshipped*, *Parents are to be honoured*, and such like, and these also without all question doe appertaine to the law of Nature: or thirdly they are conclusions, which are euidently deduced from the morall principles of nature, and cannot be knowne but by discourse, among which some are knowne more easily, as *adultery*, *murder*, *perjury*, and such like to bee euill, some are

are not so easily knowne, but to know them there is required a greater discourse, as *simple fornication* to be of it owne nature euill, *usury* to be *unjust*, an *officious lye* not to be lawfull for any cause whatsoever, and such like. And all these, and other morall conclusions of what degree soeuer, so that they bee deduced as conclusions from the morall principles of nature by a certaine and euident consequence, doe also according to the common doctrine of *Divines*, belong to the law of Nature. I said by a certaine and euident consequence, for, as well obserueth *Salas*, as conclusions, which are euidently deduced from morall principles, and doe binde without any positive law, doe euidently containe the law of nature, so those conclusions which are probably deduced, doe containe it probably, and are lawes of nature not certaine, but probable, in which if in very deepe fallshood bee affirmed, they are not the lawes of nature truly, and in very deed, but apparantly, for that an erroneous conscience is not truly a law.

Salas tract. 14. disp. 5. sec. 5.

15 The reason, why not onely morall principles, but also the conclusions, which are deduced from them, doe belong to the law of nature, and not of nations, as the law of nations is a positive, and humane law, is both for that all actions, which by the light of naturall reason, abstracting from all positive precepts of God or man, are knowne to be euill, and for that cause are forbidden by the law of God, or man, because they are euill of themselves, although they had neuer beene forbidden by any such positive law, doe belong to the law of nature; and also for that otherwise the morall precepts of the Decalogue, and others contained in them, as the precept forbidding *simple fornication*, *usurie* and to be reuenged of ones enemy by his owne priuate authority, and such like, should not belong to the law of nature, because none of those precepts are generall principles, but conclusions deduced by discourse from them, nay nor to honour, and worship God should belong to the law of nature, for that it is not knowne but by discourse that there is a God.

16 And by this the Reader may easily perceiue, that Mr. *Fitzherbert* in defining the law of nations to be a humane law, which is so easily and directly deduced from the very principles of Nature, that all Nations doe receiue and admit it, doth not onely dissent from all the learned *Divines*, euen of his owne Societie, but hee must also, vnlesse hee will maintaine strange paradoxes, plainly contradict himselfe. For first, if the law of nations bee so easily and directly deduced from the very principles of nature, that all nations doe receiue and admit it, it cannot be a humane law, which hath it force and obligation to binde onely from the constitution of men, but it must haue it force and obligation to binde from the very principles of nature, and consequently it must be reduced to the law of nature, and not of nations. Besides, every hu-

mane law is therefore a *positive* and *humane law*, not onely for that it is receiued and admitted by men, but also for that it is made by men; and hath it force to binde onely by the *positive constitution* of men; neither are those *lawes*, which are onely declared by all *nations* to be easily and directly deduced from the knowne *principles of nature*, to be numbred among *humane lawes*, but among the *lawes of nature*. And if the *law of nations* is to be accounted a *humane law*, for that it is so easily & directly deduced from the *principles of nature*, that all *nations* doe receiue and admit it, why may not many *lawes of nature* bee accounted *humane lawes*, seeing that they are so easily and directly deduced from the very *principles of nature*, that all *nations* doe receiue and admit them? *Moreouer*, Mr. *Fitzherbert* will not, as I thinke, deny but that many things are forbidden by the *law of nature*, which neuertheless are not so easily and directly deduced from the very *principles of nature*, that all *nations* doe receiue and admit them, as *simple fornication, vsury, drunkenness, perpetuity of marriage, and plurality of wives*, which according to the doctrine of all *Diuines* are repugnant to the *law of nature*, and yet some *nations* haue not thought these to be vnlawfull. Wherevpon *Vasquez* boldly affirmeth, that one may haue inuincible ignorance for his whole life time, of those conclusions of the *law of Nature*, which are more obscure, and more remote from the generall principles of *Nature*, then are the *moral precepts of the Decalogue*. Wherefore, although Mr. *Fitzherbert* doth make heere a long discourse about the *law of nations*, and *nature*, yet it seemeth, that he doth not hitherto vnderstand, what is the *law of nations*, and how it is distinguished from the *law of nature*.

Vasq. 1a. 2a.
disp. 122. c. 2.
107m. 1.

17 Wherefore to omit now the diuers opinions of *Doctors* concerning the difference of the *law of nature*, and *nations*, it will be sufficient for this present to declare, how *Vasquez* differeth from the other *Iesuites* and *Diuines* in this point. For *Vasquez* is of opinion, that the *law of nations* is comprehended vnder the *law of nature*, as a part and member thereof, and that it differeth from the *law of nature* onely in this, that the *law of nature* is that, which is deduced by a very good discourse from the *principles of nature*, not onely as permitting, but also as commanding some thing to be done, or not to be done, insomuch that it is a *rule of virtue and vice*, and this, whether wee consider *nature* by it selfe, or, which is all one, as men liue alone by themselves, or else as liuing in common and ciuill Societie. But the *law of nations* is onely a *law of permission, vtilitie, or conueniencie*. For some things are in this manner conuenient and profitable to men, as liuing in Ciuill Society, which are not conuenient for a man liuing by himselfe alone: therefore this *permission* of a thing conuenient to the whole *nature* of man, as liuing in *Ciuill Societie*, is called by *Vasquez* the *law of nations*, that

Vasq. 1a. 2a.
disp. 157. c. 3.
107m. 2.

that is, a licence or power of *nations*. Of this sort is the *division of lands*, for without it, Cities could very hardly be well governed; and also a *right, or power to make warre*, and by the *rights of warre to revenge injuries*, for without this, Cities would be exposed to a thousand injuries: but a *power to marry* is not to be called the *law of nations*, but of *nature*; for that it was not introduced by naturall reason, for this consideration, that men began to live in Cities, whereupon they were called *Nations*, but because it is convenient by *permission* to the nature of man, being absolutely considered by it selfe. So that according to *Vasquez* no *law of nations* is a rule of *virtue*, and *vice*, to wit, *commanding* something as necessarie, or *forbidding* something as euill, but onely *granting*, or *permitting* something as convenient and profitable, and also as *best*, but not *necessary*: but the *law of nature* both *commandeth*, *forbiddeth*, and *permitteth*. Wherefore the *law of nature* as it doth *permit* onely, and not *command*, or *forbid* is by *Vasquez* called the *law of nations*. For all *moral precepts* doe, according to him, belong either to the *law of nature*, or to the *Ciuill law*: for if any thing be *commanded*, or *forbidden* by force of naturall reason, it belongeth to the *law of nature*; but if it be *commanded*, or *forbidden* by the will of man hauing authoritie thereunto, it belongeth to the *Ciuill law*. And of this opinion hee thinketh *Aristotle*, and all the ancient *Philosophers* to haue bene, for that all *Philosophers* before the *Ciuill lawyers*, did deuide euery law in generall into the *law of nature*, and the *Ciuill law*.

18 But this opinion of *Vasquez* doth not please *Suarez*, *Salas*, and many other Diuines, albeit *Salas* thinketh this question concerning the difference of the *law of nature*, and *nations*, is for the greatest part rather a *verball* question, and of words, then *reall* and of any great moment. For if it be once knowne, that any thing belongeth to the *law of nature*; it little importeth to say, that it belongeth also to the *law of nations*, for that all *nations* doe commonly keepe, or vse that law. But it greatly importeth to know, whether any thing be *commanded* by the *law of nature*, or onely by the *positive law* of man, & if it be *commanded* by *positive law*, whether that *law* be *common* to all *nations*, or no, and whether it be *common* to all *nations*, as it were *per se*, by it selfe, for that all *nations*, as being one totall *community* of mankind haue decreed it, or, as it were *per accidens*, by accident, for that euery Nation decreeing it by it selfe, we may gather by *Induction* that all *nations* haue decreed it, and so that it is a decree *common* to all *nations*.

19. For the better vnderstanding whereof *Suarez*, and *Salas* doe obserue, that a law may be said to be *common* to all, or many nations, either for that all, or many nations being taken severally by themselves, doe agree in that law, or else for that it is obserued by the vse

*Suarez lib. 2.
cap. 18. 19.
Salas disp. 2.
sec. 2. 3. & seq.
D. sec. 3.*

*Suarez lib. 2.
de Leg. cap. 19.
Salas Tract.
14. q. 91. disp. 2.
sec. 3.*

and

" and custome of all, or many *nations*, as they haue among themselves
 " a certaine societie, and ciuill communication. For although euery
 " Citie, Common-wealth, or Kingdome be in it selfe a perfect com-
 " munitie, and composed of her parts, and members, yet euery one of
 " them is in some sort a member of this *vniversal* world, as it apper-
 " taineth to mankind; neither are those *communities* so sufficient leue-
 " rally for themselves, but that they want some helpe, societie, and
 " communication of others, sometime for greater vtilitie, or conue-
 " niencie, and sometime for morall necessitie, and want, and in regard
 " of this they want some law, whereby to be directed in this kind of
 " communication, and societie. And although for the most part this
 " be done by naturall reason, yet it cannot be done sufficiently, and
 " immediatly for all things, and therefore some speciall lawes might
 " be introduced by the *custome* of the said *nations*. For as in one Citie,
 " or prouince a *custome* doth bring in a law, so also in the *vniversal*
 " mankind the *law* of *nations* might by *custome* be introduced; and es-
 " pecially for that those things, which belong to this law, are both few,
 " and also very neere to the *law* of *nature*, and haue from it a very easie
 " inference, and are so profitable, and conuenient to nature it selfe, that
 " although it be not an euident inference, as of a thing altogether ne-
 " cessary to morall honesty, or vertue, yet it is very conuenient to na-
 " ture, and of it selfe acceptable to all men.

" 20 Wherefore the opinion of these *Authors* doth consist in
 " these points. The first is, that the *law* of *nations* doth not onely per-
 " mit, or graunt some things, but also command, and forbid by bin-
 " ding vnder sinne: for that otherwise the *Law* of *nations* would not
 " properly be a *law*, neither should a *law* in generall, being taken pro-
 " perly, and as it is a rule of reason, or of vertue, and vice, which intrin-
 " secally includeth some precept, be well diuided into the *law* of *nature*,
 " of *nations*; and the *Ciuill Law*: and yet *Vasquez* himselfe doth affirme,
 " that the *law* of *nations* was by *S. Thomas* rightly numbred among hu-
 " mane lawes. Besides, the *law* of *nature*, and the *Ciuill law*, doe permit
 " and grant many things, and so the *law* of *nature* doth grant or per-
 " mit, but not command a man to marry a wife, and to keepe, and
 " conserue his proper libertie, and therefore it is not proper to the *law*
 " of *nations* to permit, or grant, neither ought it by this to be distin-
 " guished from other lawes. Moreover, if a permissiue or concessiue
 " *law* in respect of all mankind, as liuing in ciuill societie, is called the
 " *law* of *nations*, why may not also a preceptiue or commanding *law*
 " although it suppose ciuill societie, in the same respect be called a *law*
 " of *nations*? Neither can there be made any doubt, but that from ci-
 " uill societie, and from the positiue *law* of *nations*, yea and from the
 " *ciuill law*, may arise a naturall obligation; as for subiects to obey the
 " positiue

Vasquez. disp.
 157. cap. 4.
 in fine Thom.
 prim. secundum. q.
 95. ar. 4.

positive lawes of their princes, for children to honour their parents,
for married persons to obserue coniugall due tie, for seruants in gene-
rall to serue their masters, not to take away by priuate authoritie the
goods of another man, which hath beene giuen him by the posi-
tive lawes, or grants of temporall Princes, and many such like, all
which doe suppose some ciuill society.

e But see a-
boue cha. 6. nu.
23. & nu. 93.
& seq.

21 The second is, that the *Ciuill Lawes*, and the *Diuines* doe not
speake commonly of the *law of nations* after the same manner. For
the *Diuines* doe commonly call the *law of nations* that *Law*, which is;
ordained, and made by *nations*, and the *law of nature* they call that
which *nature* it selfe, or the prescript of naturall reason without
the will, and decree of man doth make, and ordaine. But the *Ciuill*
Lawyers doe oftentimes call the *law of nature*, that *law* or right which
is common also to brute beasts: & the *law of nation*, that *law*, which
all men, and onely men doe vse, although otherwise it be grounded
vpon naturall reason: as you may see in ff. *de inst. & iure*, where the
law of nature is described to be that, which *Nature* hath taught all sensi-
ble creatures, and is not onely proper to men, but common also to beasts,
fishes and birds, as carnall copulation, getting of children, and bringing of
them vp: and the *law of nations* is described to be that, which all *Nati-*
ons doe vse, and which is common onely to men among themselves, as Re-
ligion towards God, to obey our Parents, and Countrey, to defend our
selves from wrong, and iniurie. And therefore as very well obserueth
Paradolphus Prateius cited by Salas; vnesse one diligently obserue
(which hath giuen occasion to many men of errour) that the *law of nations*
is by the *Lawyers* sometimes taken for the true *law of nature*, and some-
time it is taken for that *law*, which is made; and receiued by the greatest
part of mankind, and doe very well distinguish these two, he will neuer come
to the true knowledge of the *law*. And therefore Bartholus, to auoide
this confusion doth distinguish two *lawes of nations*, the one he calleth
Ius primarium, the first, or principall *law*, and this is the very *law of*
nature, which he defineth to bee that *law*, which from the very begin-
ning of *Nations* was introduced by naturall reason, without any decree, or
constitution of *Nations*: and the other he calleth *Ius secundarium*, the
lesse principall *law of nations*, which all *Nations* doe vse by their owne de-
cree or constitution.

Salas Diss. 2.
sec. 4.

22 The third is, that the *law of nations*, being taken most proper-
ly, and rigorously is both a positive *law*, as many *Doctors* cited by
Salas doe hold, that is, its a *law* made, and enacted by the positive
constitution of men, and not by the prescript of naturall reason, and al-
so that the *law of nature* which doth containe in it both the knowne
principles of *nature*, or naturall reason, and also the conclusions, which
are clearly, easily, & directly deduced from those principles, is not
properly

Salas diss. 2.
sec. 3.

f Institut. de
Iure nat. Gent.
& ciuile.

“ properly the *law of nations*. And this also the Emperour *Instituit*
 “ doth sufficiently confirme, ^f who maketh this distinction betwix
 “ the *ciuill law*, & the *law of nations*; that *whatsoever* euery particular peo-
 “ ple, or nation, doth enact, or ordaine, that is call’d the *ciuill law*, as being a
 “ *law proper to that citie*: But the *law of nations* is common to all mankind,
 “ for that *custome*, and *humane necessities* so requiring, the nations of men
 “ haue made to themselves certaine lawes: and truely if those lawes were
 “ naturall, they could not be well said to be made by men, but by na-
 “ ture it selfe, or by God the Authour of nature; Seeing therefore that
 “ the *law of nature* is not made by men, it cannot properly be called the
 “ *law of nations*. Whereupon it followeth, that it is not for this cause
 “ onely called the *law of nations*, for that all nations doe vse it, obserue
 “ it, receiue, or admit it, as being easily and directly deduced from the
 “ very principles of nature, but for that they doe vse, obserue, receiue,
 “ and admit it, as being the *Authors*, and *enacters* thereof.

“ 23 So that, as the *ciuill law*, and the *law of nature* doe take their
 “ name or denomination from the *Authors*, or makers thereof, so also
 “ the *law of nations*. Wherefore the *law of nations* is that, which nations
 “ made for themselves, and therefore it is a *positive law*. For all na-
 “ tions, as they make one Communitie of mankind, haue power to bind
 “ euery particular man to those things, which are conuenient to all
 “ mankind, as euery city hath power to bind euery member thereof
 “ to those things, which are conuenient for that Citie, and every king-
 “ dome to those things which are conuenient for the whole king-
 “ dome. And that all nations had intention to binde men to some
 “ things, it is manifest by tradition, & they might sufficiently declare
 “ their intention by words, customes, or other signes, especially in
 “ the beginning of the world, when in regard of the few number of
 “ men, and of their mutuall loue, and concord it was an easie matter,
 “ for all, or the greater part of men to agree in the same will, or inten-
 “ tion, and in some manner to publish, and declare the same: And this
 “ *law* is not the *law of nature*, for that it is grounded in humane will,
 “ and not in any necessary prescript of naturall reason; neither is it the
 “ *Ciuill law*, for that it is not proper, and peculiar to one Citie, or
 “ Kingdome, therefore it is to be called the *law of nations*, not onely
 “ for that nations doe vse, receiue, and admit it, and are bound to ob-
 “ serue it, as Mr. Fitzherbert doth heere insinuate, for that they are
 “ bound also to receiue, admit, and obserue the *law of nature*, but be-
 “ cause it hath it force and obligation to bind themselves, as from the
 “ *Authors*, makers, and enacters thereof.

“ 24 And by this the Reader may easily perceiue, that the *law of*
 “ *nations* properly so called, is not, according to these *Diuines* compre-
 “ hended in the *law of nature*, as a part in the whole, but is distinct from it
 “ essen.

Suarez lib. 2.
cap. 19. 20.

essentially, albeit they doe agree in many things, as *Suarez* doth declare
 at large. For *first* they agree, that both of them are in some sort
 common to all men, in which respect both of them may be called
 the law of nations, or of men, if we onely regard the word or name.
Secondly, they agree, that as the matter of the law of nations hath re-
 gularly place onely among men, so also the matter of the law of na-
 ture is proper to men, either altogether, or for the most part, for
 sometimes also the law of nations may dispose in a matter common
 to brute beasts, as in permitting fornication, or the carnall company
 with fundry persons, which is common also to beasts. And there-
 fore many examples, which by the Ciuill Lawyers are contained un-
 der the law of nations onely in regard of this condition, as Religion
 towards God, honour to Parents, piety towards our Countrey, and
 such like, doe onely in name belong to the law of nations properly
 so called, for in very truth they appertaine to the law of nature.
Thirdly, they agree, that in both of them are contained pre-
 cepts and prohibitions, and also graunts, concessions, and per-
 missions.

25 But they differ *first* and principally: for the affirmative pre-
 cepts of the law of nations doe not inferre any necessitie of the thing
 commanded onely of it owne nature by some euident deduction
 from the principles of nature, for whatsoever is of this kind is natu-
 rall; and therefore this necessitie must onely proceede from the con-
 sent, and positue constitution of men. And in like manner the ne-
 gative precepts of the law of nations doe not forbid any thing because
 it is euill of it selfe, for this also is meereley naturall. Wherefore in
 regard of humane reason the law of nations doth not onely declare
 the act to be euill, but doth also make it euill, neither doth it forbid
 euill, for that it is euill, as the law of nature doth, but by forbidding
 the act it maketh it euill. *Secondly*, they differ in vniuersalitie, and
 communitie to all Nations: for the law of nature is common to all;
 and only through error & ignorance it is not kept by some, but the
 law of nations is not alwaies, but regularly common to all, or almost
 all nations, as *S. Isidore* writeth; whereupon without any error that
 law may in some places not be obserued, which by others is thought
 to belong to the law of nations.

Isidor. lib. 5.
Etymolog. cap. 5.

26 *Thirdly*, they differ in mutability. For the law of nations cannot
 bee so immutable as the law of Nature, because immutability doth
 proceede from necessity, and therefore where there is not the like
 necessity, there cannot bee the like immutability. Whereupon wee
 may easily gather, that the precepts of the law of Nations are muta-
 ble, for as much as they depend vpon the consent of men. And the
 reason is, for that those things which are forbidden by the law of
 Nations,

" Nations, are not simply, absolutely, and intrinsically euill of them-
 " selues, because these precepts are not deduced from the *principles* of
 " nature, by any necessary or euident deduction, but doe onely binde
 " by vertue of humane consent, which hath been introduced at least-
 " wise by a generall custome, and therefore in regard of the matter
 " there is no repugnance, that in the *law* of Nations there may be made
 " some alteration, so that it be done by sufficient authority.

" 27 Wherein it is to be *observed*, that this mutation doth hap-
 " pen otherwise in the *law* of Nations, which is onely common, for
 " that all, or many Nations doe agree in such, or such a *law*, and other-
 " wise in that *law*, which is common by the vse and custome of *Nati-*
 " ons, as among themselves they haue a certaine Society, and commu-
 " nication. For the *first law* may bee changed by a particular King-
 " dome, or Common-wealth, for as much as concerneth that king-
 " dome, or Common-wealth, because that law as it is in that King-
 " dome, or Common-wealth, is intrinsically a *Ciuill law*, to speake so,
 " and it is onely called the *law* of Nations, either for that other *Nati-*
 " ons haue the same *law*, or else for that it is so neere to the *law* of Na-
 " ture that from thence the vniuersality of such a *law* doth arise: But
 " this *law*, as it is *per se*, and of it owne nature in euery Common-
 " wealth, doth depend vpon their peculiar determination and autho-
 " rity, or custome of that Common-wealth in it selfe, and without
 " respect to other Common-wealths, therefore it may be changed by
 " that Common-wealth, for as much as concerneth that Common-
 " wealth, although others doe not consent thereunto, because euery
 " Common-wealth is not bound to conforme her selfe to others. As
 " for example, any Common-wealth may ordaine, that within her
 " selfe common harlots shall not be permitted, or that all vniust buy-
 " ings and sellings in euery excelsse whatsoeuer shall be repealed, and
 " made voide, or that they shall not vse money, but other kinds of ex-
 " changings; for although these things be not done *de facto*, because
 " there is no cause or profit to doe the same, yet in respect of morall
 " honesty, and sufficient authority. they doe not repugne to be done.
 " 28 But in the other *law* of Nations it is farre more hard to make
 " any alteration because it doth respect the common good of all na-
 " tions, and it seemeth to be made by the authority of all, and there-
 " fore without the consent of all it cannot be abolished. Neuerthe-
 " lesse in regard of the matter, there is no repugnance, but that it may
 " be altered, if all Nations should consent, or if the contrary custome
 " should by little and little be brought in. But although this may be
 " conceived as not repugnant, yet morally it is not possible, for that
 " this *law* being so neere to the *law* of nature, and so conuenient accor-
 " ding to naturall reason, it is scarce possible that all Nations, or the
 " greatst

" greatest part should agree to the abrogation thereof: Neuenthelesse
 " in another manner any one Communitie may command, that a-
 " mong themselves onely such, or such a law of nations be not kept,
 " and this manner is possible and morall. And so the law of nations
 " concerning the bondage of captives taken in a iust warre, is changed
 " among Christians by an ancient custome of Christians, which is as it
 " were a speciall law of Christian nations, and also by an expresse Im-
 " periall law of Iustinian the Emperour, Cod. de Episcopis & Clericis,
 " leg. Deo auxilium.

" 29 Lastly, Suarez distinguisheth the law of nations from the Ci-
 " vill law, first in this, that the law of nations is not written, but is in-
 " troduced by vse and custome, wherein it differeth from the law of
 " nature, which although it be not written, yet it is grounded in
 " nature, and not onely in custome; but the Civill law is both written,
 " and not written. Secondly, that the law of nations is introduced by
 " the vse and custome of all nations or almost all; for it is sufficient
 " to the law of nations, according to Saint Isidore, cited before,
 " § that all nations, or almost all nations well governed doe vse the same: g No. 15.
 " but the Civill law, although it may also be introduced by custome,
 " yet it is introduced by the custome of one, or few nations, and
 " bindeth onely them. Thirdly, that the Civill law may be altered
 " wholly, but the law of nations, cannot, speaking morally be altered
 " wholly, but onely in part; which is not to be vnderstood of the
 " whole collection of all the precepts of both lawes, for so neither of
 " them can morally be wholly changed, because it is morally impossi-
 " ble to alter all the ciuill precepts in any one kingdome, but it is to be
 " vnderstood of every singular precept, which may easily be chan-
 " ged and abrogated throughout the whole kingdome, but no one
 " precept of the law of nations can throughout all nations bee abroga-
 " ted, although some nation doe not obserue it. This is the opinion of
 " Suarez concerning the difference betwixt the law of nature, of na-
 " tions, and the Civill law.

" 30 But although, as well obserueth Salas, this question is for the
 " greatest part rather verball and of wordes then reall, and of the thing
 " it selfe, for that all doe agree in this, that whatsoever is forbidden by
 " the law of nature, is of it selfe euill, and what is forbidden by the posi-
 " tive law of men, whether it bee of one nation, of many, or of all, is
 " not euill of it selfe; but made euill by that positive law, and prohibition,
 " Neuenthelesse concerning that distinction, which Suarez, and Salas
 " doe make of all nations, or the greatest part, as they are taken ioynely;
 " and make one Societie, or Common-wealth of mankind, and of all
 " nations, as they are taken severally each one by themselves, I haue one
 " chiefe difficultie: for in my opinion this distinction of theirs is meere-
 " ly imagined,

imagined, and invented without any good, and sufficient ground: because although all *Nations* doe make one Societie, or common-wealth of mankind, as they are referred to God the invisable King, and Governour of all mankind, yet as they are referred to their visible Gouvernours on earth, they doe not make one, but divers *totall* *Civill* Societies, Kingdomes, or Common-wealths; and consequently the *lawes* made by them are really diuers, and not one *law*; and so the *law* of *nations* is not truly, and formally one *law*, but diuers *lawes* observed, or by expresse, or vertuall covenant agreed vpon by all, or the greatest part of *nations*, and it cannot bee called one *law*, except by *aggregation*, as all, or the greatest part of *nations*, as they are referred to their visible Gouvernours on earth, cannot bee *properly*, and *formally*, but only by *aggregation*, bee called one *Civill* Societie, kingdome, or Common-wealth, (as many stones laide together are by *aggregation* called one heape of stones,) no more then *England*, *France*, and *Spaine*, be called one kingdome, or parts of one *totall* kingdome compounded of them three, or the *lawes* commanding, or forbidding the same thing, made, or by covenant agreed vpon by these three kingdomes, bee called one singular *law*.

3^d. From whence it followeth *first*, that the *law* of *nations*, as it is a *positive humane law*, is not *formally* one singular *law*, but many *Civill lawes* of diuers *nations* together, although it may bee called one *law* of *nations*, for that it commandeth, and forbiddeth one and the selfe same thing. *Secondly*, that the *Christian nation*, as it is referred to the visible Gouvernours thereof, is not *properly*, and *formally* one *Civill* Societie, Nation, Kingdome, or Common-wealth, but many temporall Kingdomes professing the same Christian Religion, although as it is referred to the supream spirituell Pastour thereof, it bee *truly*, *properly*, and *formally* one spirituell Societie, Kingdome, Church, and mysticall body of *Christ*. *Thirdly*, that the *law* of *nations*, as it is a *positive law*, may bee changed, and wholly abrogated by any particular Kingdome or Common-wealth, for as much as it concerneth onely that kingdome, or Common-wealth, because that *law*, as it is in that kingdome, or Common-wealth, is *intrinsically*, to speake so, a *Civill law*, and hath not force by vertue of the *law* to bind the subiects of that kingdome, or Common-wealth, but as it was enacted, and received by the Gouvernours, and subiects of that kingdome, or common-wealth. Neuerthelesse by vertue of some expresse, or tacite pact, covenant, or agreement (which *properly* is no *law*, for that a *law* requireth a superiority in the maker therof ouer the persons who are bound to obserue that *law*, which superiority a covenant doth not require) made betwixt diuers kingdomes it may binde also the subiects of other kingdomes: in which respect the *law* of *nations*, for as much as it concerneth

neth diuers kingdomes, cannot be repealed and abrogated without the consent of both kingdomes, because pacts and covenants may not be broken without the consent of all parties; but if both parties doe agree, it is lawfull not to obserue that covenant, for as much, as it concerneth onely themselues. And so the custome of receiuing Ambassadors in time of hostilitie, vnder the law or rather covenant of immunitie, which is saide to bee brought in by the law of nations, may be abrogated by the mutuall consent of two kingdomes, for as much as concerneth themselues, although other kingdomes will not for their parts agree thereunto. And for the same reason any other lawe of nations, as it is a pure positive law, may bee repealed by the consent, and agreement of those kingdomes whom it doeth concerne, although other nations will still obserue the same. And this may suffice concerning the difference betwixt the law of nature, of nations, and the Civil law. Now to Mr. Fitzherberts discourse.

32 And as for the law of Nations, saith hee, ^h (which is a humane law so easily, and directly deduced from the very principles of nature, that all nations doe receiue, and admit it) it is manifest, that it cannot dissent from those infallible grounds, which I haue laid atreadie, as well out of the law of Nature, as out of the law of God, especially seeing that there is nothing, wherein all Nations doe more uniformly agree, by the very instinct of Nature, then that all temporall things are inferiour to spirituall things, and subordinate thereto; whereupon it necessarily followeth, &c. But what grounds either infallible, or fallible Mr. Fitzherbert hath alreadie laid as well out of the law of nature, as out of the law of God, you haue alreadie seene. Neither doth any man make any doubt, but that this is an infallible ground, wherein all nations by the very instinct of nature doe vniformely agree, that as all spirituall things are superiour to all temporall things in dignitie, worth, and excellencie in generall, so all temporall things are inferiour, and subordinate to spirituall things in the same degree of subiection, and subordination, wherein spirituall things are superiour to them; for no man can bee so foolish as to imagine, that temporall things must be subiect to spirituall things in any other degree, or kind of subiection, or subordination, then wherein spirituall things are superiour to them. h p. 130. m. 5.

33 Marke now what Mr. Fitzherbert would conclude from this infallible ground: Whereupon it necessarily followeth, saith he, that all the temporall states of temporall Princes, are subordinate to the Church, and to the head thereof, and to bee disposed by him, when the good of the Church shall so require, as I haue amply declared. But fye for shame, that Mr. Fitzherbert, who is accounted a man of great iudgement, though of small learning, should make so childish, and improbable a consequence, and withall to esteeme it a necessarie inference? For what man of iudgement

ment would argue thus: *All temporall things are inferiour, subiect, and subordinate to spirituall things, to wit, in worth, dignitie, and excellencie, therefore the Pope hath power to dispose of all temporall things, when the good of the Church shall so require? But my Adversaries* visuall custome is to darken, and confound the Readers vnderstanding with a mist of cloudie, and ambiguous words, which being once dissolued, and taken away, the plaine, and perspicuous trueth will presently appeare. For as concerning his antecedent proposition, which is, *that all temporall things are inferiour to spirituall things, and subordinate thereto, first, if his meaning be, that all temporall things are inferiour and subordinate to all spirituall things in every kind of subiection, this is apparantly false, for that all spirituall things are not capeable of all kind of superiortie, seeing that onely spirituall persons, or substances, and not spirituall accidents are capable of spirituall authoritie, or iurisdiction, which consisteth in a power to commaund, to punish, or to dispose of something.*

34 Secondly, if his meaning be, that all temporall things are inferiour, and subordinate to all spirituall things in some kind of subiection, this is very true; for as all spirituall things, in that they are spirituall, are more excellent, and of a more noble, more perfect, and of a superiour, and higher degree or order, then is any temporall thing, so all temporall things, as they are temporall, are inferiour, and subordinate in nobilitie, perfection and excellencie to all spirituall things: But from a superiortie in perfection, worth, and nobilitie to conclude a superiortie of another kind, to wit, in authoritie, iurisdiction, or power to dispose thereon, is *transcendere de genere ad genus, to transcend from one kind to another*, which manner of arguing every Schoole-boy knoweth to be vicious: as thus, *Angels* both good, and bad are superiour to men in substance, knowledge, might, and other natural perfections, but to conclude from hence, that therefore *Angels* are superiour to men in authoritie, or iurisdiction, and that therefore men are inferiour and subiect therein to *Angels*, and are bound to obey them as their lawfull Superiours, vnlesse they bee sent as messengers from God, which the *Greeke* word *αγγελος* doth import, and which, as Saint Gregory saith, is a word of office, not of nature, were a very fallacious kinde of arguing. Also all seruile trades are inferiour, subiect, and subordinate to all liberall arts and sciences, to wit in woorth, perfection, and nobilitie, and this all trades-men will acknowledge, but they would smile at him that should conclude from thence, that therefore all they that are endued with any liberall art or science may commaund and punish all trades-men, and dispose of what they haue, when the good of the liberall arts or sciences shall so require.

35 But thirdly, if Mr. Fitzherbert in his antecedent proposition by

S. Greg. hom.
34. in Euang.

by spirituall things doeth, not vnderstand all spirituall things, but only spirituall persons, who by their office haue charge of Religion, and of all spirituall things appertaining to Religion, and that all temporall things are by the instinct of nature, and the light of naturall reason subiect, and subordinate to spirituall persons in such sort, that they may bee disposed of by them, when the good of Religion shall so require, then indeede supposing this antecedent proposition to bee true, it doeth necessarily follow, that the Pope hath power to dispose of all temporall things in order to spirituall good; But then hee supposeth that which he should prooue, and which I euer denyed: for, as I haue amply shewed before, by the law of nature the ciuill Common-wealth is selfe, and the supream Governours thereof had supream authoritie to dispose of all things, as well concerning Religion, as State, and policie. Neither did the Religious Societie, and the ciuill Common-wealth in the law of nature make two totall, and independent bodies, Societies, or Common-wealths, as they doe now in the new Law, wherein the temporall Prince, or the Ciuill Common-wealth haue not to dispose of spirituall, and religious affaires, as they did in the law of nature, and according to the custome of all nations: and therefore it cannot bee prooued either by the law of nature, or of nations, that the Pope hath power to dispose of the bodies, States, or temporall goods of temporall Princes, but contrariwise standing in the law of nature, the Ciuill Common-wealth had supream power, and authoritie to dispose of the bodies, and goods of Religious Priests, and of all things belonging to Religion, and the publike seruice of God.

36 Wherefore to little purpose are those words, which Mr. Fitzherbert next adioyneth. And therefore Vlpian the Lawyer, saith hee, affirming that *Ius Gentium*, the Law of Nations, is that, which is common onely to men, putteth for example, *Religio erga Deum*, Religion towards God, giuing to vnderstand, that all Nations, and people doe agree in nothing more, then that due honour is to bee giuen to Almighty God, which is not done, when any thing is preferred before his seruice, or when temporall things are not subordinate to spirituall, and due reuerence, respect, and obedience giuen to his immediate Ministers.

37 But what is all this to the purpose? what will hee conclude from hence? who maketh any doubt, but that all Nations and people doe vniformely agree in this, that due honour is to be giuen to almighty God, and that nothing is to be preferred before his seruice, and that temporall things are subordinate to spirituall, to wit, in perfection, worth, and excellency, and that due reuerence, respect, and obedience is to be giuen to his immediate Ministers? But from hence it onely followeth according to the law of nature, and Nations, that because in the

law of nature the cheife Ministers of God in all things as well concerning his publike seruice, as the ciuill gouernment, was the ciuill Common-wealth it selfe, which because shee could not by her selfe immediately exercise the said functions, she appointed certaine Ministers to execute the same, therefore we must giue due reuerence, respect and obedience, *first*, to the Common-wealth it selfe, or the supream Gouvernours thereof, and *secondly*, to those *immediate Ministers*, whom the Common-wealth it selfe, or the supream Gouvernours thereof, have appoynted, according to the honour, dignity, and authority, which is graunted them. And therefore hee that should make this argument, *Due honour is to be giuen to almighty God, and nothing is to be preferred before his seruice, and due reuerence, respect, and obedience, is to be giuen to his immediate Ministers, therefore the Pope hath authority by the law of Nature, and Nations, to depose temporall Princes, and to dispose of all their temporals*, it is euident, that he shooteth farre wide of the marke, and maketh a very vaine and friuolous consequence, seeing that according to the *law of nature*, and *Nations*, the ciuill Common weath hath full authority to dispose of all things both concerning state and Religion.

38 Wherefore with these generall propositions, which all men vnderstand and approoue, he still ioyneth that ambiguous and equiuocall proposition, *that temporall things are inferiour and subordinate to spirituall things*, to make the vnlearned Reader beleue that some great mysterielyth hidden therein, whereas the plaine meaning of it is, that spirituall things are superiour to temporall things in worth, excellency, and dignity, and therefore *ceteris paribus*, to bee preferred before them, so that in very deed the meaning thereof is nothing else, but that the seruice of God is to be preferred before all temporall things, which in the *law of nature* all ciuill Common-wealths which had supream authority to dispose of all things both concerning State and Religion, did euer acknowledge. And therefore M^r. Fitzherbert labouring in his next *Paragraph* to prooue this, spendeth his time and labour in vaine, for that no man maketh doubt, but that all *Nations* euer preferred Religion, and the seruice of their Gods before all other things.

39 But before I come to set downe his words, I thinke it not amisse to declare briefly in what sense *Religion towards God*, which *Vlpian* the Lawyer mentioned here by my *Aduersary* reduceth to the *law of Nations*, may appertaine both to the *law of Nations* and *Nature*. And that he may the more easily perceiue his owne errour and ignorance in contending to prooue by the *law of Nature* and *Nations*, the *Popes* authority to depose temporall *Princes*, I will relate *verbatim* *Suarez* doctrine, against which hee neither can, nor will, as I suppose, in this point take any exception.

40 Religion, or the worshipping of God, saith Suarez, which example the Lawyer used, doth absolutely belong to the law of nature, but the speciall and particular determination thereof doth belong to the positive law of God, and in the order of nature, (marke these words) it would belong to the ciuill or priuate Law: But the meane betwixt both seemeth in some sort to belong to the law of Nations, as the right to worship God by Sacrifices is not simply, or absolutely commanded by the law of nature, and yet all Nations do seeme to haue agreed therein. as we haue said, treating of this matter, and therefore it may worthily be said to belong to the law of Nations. Likewise, that there should be in the Common-wealth a State of men appointed, specially to the seruice of God, doth not seeme to belong to the absolute law of nature, yet it is so convenient and agreeable thereunto, that almost all Nations and Common-wealths haue agreed in this institution, at least wise in the generall, although in the particular manner there hath beene great variety, and therefore concerning this institution in generall, Religion may also be said to belong to the law of Nations. Thus Suarez.

41 Whereby Mr. Fitzherbert may clearely see, that although to worship God in generall is commanded by the law of nature, yet both to worship him in this, or that particular manner is not ordained by the law of nature, but left to the determination of euery priuate man, as he is considered to liue by himselfe alone, or of the ciuill Common-wealth, as he liueth in ciuill Sociery; and also that there should be in the Common-wealth a State of men appointed, specially for the publike seruice and worshipping of God, is not ordained by the law of nature, but onely by the law of nations, and this also onely in generall, for as concerning the particular manner, to wit, what honour, dignity, authority, and prerogatiues this State of men should haue, it is not determined by the law of nations, because in this there hath always among nations beene great variety, for that some nations gaue to their religious Priests greater honour, authority, and prerogatiues, and some gaue lesse, as partly you haue seene in the sixt Chapter, and partly you shall see anone by examining the rest of my Adversaries discourse. So that you may manifestly perceiue, that no good argument can be brought from the law of nature or nations to proue, that the Pope hath authority to punish temporally the supream ciuill Magistrate, seeing that all the authority which the religious Priests had in the law of nature, either in temporals or spirituals, did onely proceed from the grant of the ciuill Common-wealth it selfe, and not from the law of nature.

42 Now let vs go on with Mr. Fitzherberts discourse; This, saith he, is manifest by the generall consent and practise of all Nations, who haue alwaies preferred diuine things before humane, and spirituall things before temporall as in Ethiopia, &c. But this is onely a continuall repeating of that which he hath so often affirmed, and which no man calleth in questi-

Suarez lib. 2.
Leg. cap. 19.
num. 10.

i Pag. 131. num. 6

Baptist. Fulg.
lib. 1.

Diod. Sicul.
lib. 3. cap. 1.

h Alex lib. 2. ge-
ralium dierum
cap. 8.

Stobæus se. 42.

Diodor. Sicul.
l. 1. c. 6.

Plutarch in
quæst. Rom.

on; for no man maketh doubt, but by the law of nature wee are bound to preferre the seruice of God before any other thing, and to giue due reuerence, respect, and obedience to his immediate Ministers; but to honour or serue God in this, or that particular manner, and what particular honour, respect, or obedience is due to religious Priests, this doth not proceede from the law of nature or nations, but in the order of nature from the ciuill or priuate lawes of euery nation; as Suarez before affirmed, for that, as all histories acknowledge, in this there was a great variety among all nations, as in Ethiopia saith M^r. Fitzherbert, where the Priests determined of the life and death of Kings in such sort, that when the Priests signified to them that it was Gods will they should die, they presently killed themselves.

43 But he might haue added, if it had pleased him, the next words following in Fulgus, whom he citeth in the margent, that this custome of theirs did not alwaies continue, for it was abolished by King Ergas, who liued about the time of Ptolomey King of Egypt, who to the end his death should not be foretold him by the Priests, hee slew them all, and was the first that tooke away that custome. Besides, neither was this custome obserued among other nations, as among the Romans, the chiefe Priest or Bishop ought to keepe his hands not onely pure from all blood, but also he ought not to be partaker or priue to the death of any man, insomuch that if any condemned man did flye to him he was freed from death for that day ^k. Neither did those Priests of Ethiopia properly put their Kings to death by authority, but as interpreters of the will of G O D they did declare, that it was G O D s pleasure they should kill themselves; and so this example is little to the purpose.

44 Also in Egypt, saith M^r. Fitzherbert, none could be a King except he were a Priest. True it is, that the custome of the Egyptians was, as Stobæus also affirmeth, to create either Priests, or warlike men their Kings, for honour and nobility was giuen to warlike men for their fortitude, and to Priests for their wisdom: But he that was chosen out of warlike men to be their King was forthwith made a Priest, and partaker of philosophy, or the study of wisdom. And no doubt, but that this was a laudable custome, and so much the more, for that the King of Egypt could not iudge, but according to the lawes, and the Kings themselves were subiect to the lawes of their kingdome; yet this custome of the Egyptians was not generall among other nations. For although in times past, as Plutarch writeth, Kings did the greatest and chiefe part of Sacrifices, and they with the other Priests did concur in sacred rite; yet after they became to wax insolent, arrogant, and cruell, the Grecians for the most part taking away from them their Empire, left them onely authority to sacrifice to their Gods,

45 And the like custome, saith my Adversary, was also observed among the Goths, whilst they were Paganisme. That the Goths had this for a continuall custome, that none should be their Kings, vntill they were Priests, I haue not read, and that it was among them a continuall practise I can hardly beleue, both for that their custome was, that their Kings should not be learned, but among all nations, the Priests were vsually the most learned of all the people, & also for that the contrary is signified by Ioannes Magnus in his historie of the Goths, who writeth, that their Priests were of diuers degrees, to wit, Pontifices, Archisacramentes, Flamines, Salij, Augures, and that to their chiefe Priests, who were called Pontifices, was granied by them equall power with their Kings, whose authoritie was so great, that whatsoever they should either counsell or commaund, both the King himselfe, and the people, did forthwith willingly execute, as an oracle from heauen. And no maruaile if it were so, seeing that the reuerence which the Goths did beare to Priests, although they were of a contrary Religion to them, was exceeding great and to be admired; inso much that when they conquered any Citie, they did neither violate Temple, nor Priest; and in the iudgement of all men they were accounted so pious and religious that they would not hurt any one, that should flye to the Temples dedicated to God for succour or Sanctuary. And when Alaricus King of the Goths, otherwise a barbarous and cruell man, invaded Italie in the time of Honorius the Emperour, and had subdued Rome, before hee would giue leaue to his souldiers to spoyle the City, he proclaimed by sound of trumpet, that the bodies and goods of those persons, who fled for refuge to the Apostles Church should not be touched, and which is more to be admired, the souldiers themselves in the very midst of the sacke and spoyle, meeting certaine sacred Virgins carrying vpon their heads plate of gold, after they were informed, that they were consecrated to the Apostles, did not extend their hands so much as to touch them. Fulsius in the same place.

Caesius l. 8. c. 6.

See Procopius
& Ioan. Magnus, in their
history of the
Goths.
Olaus l. 3. c. 8.
& l. 8. c. 15.

Fulgos. l. 1. c. 11.

46 And amongst the Gaules, saith Mr. Fitzherbert, the Druides, who were their Priests, had in their hands the chiefe manage of publike affaires, deciding all controuersies, and iudging all ciuill, and criminall causes, excommunicating such as would not obey them, and those that were so excommunicated were abhorred and detested of all men. But this custome of the Gaules proceeded from the priuate and ciuill law of that nation, and was not common to all nations, as you may see about in the Grecians, who from their Priests tooke away the temporall gouernment, and left them onely authority to sacrifice to their Gods, and the great variety, which was among nations concerning the authority of their Priests, doth euidently conuince the same.

Caesar l. 6. de
Bello Gallico.

47 I haue also signified before¹ saith Mr. Fitzherbert, in what au-

l Cap. 6. nu. 10.
m Pag. 133.
nu. 6.

Valer. Max.
l. i. c. i.

5

Bapt. Fulgof.
l. i. c. i.

thority and command the chiefe Bishops, and Augures had in the Romane Common-wealth above the Consulls, and temporall Magistrates, when consideration of Religion occurred in matters of State: Whereupon Valerius Maximus saith, that the Romane Common-wealth alwaies preferred Religion before all things, even in men of the highest degree, dignity, and Maiesty, and that their Empire did willingly submit it selfe, and obey in matters of Religion, esteeming that it should in time arrive to the soueraigntie of humane government, if it did well and duely observe the diuine power. Thus saith Valerius of the preheminence, and soueraigntie of Religion in the Romane Common-wealth. And for the time of the Romane Emperours, most of them were extreame Tyrants, and did condemne as well all diuine, as humane lawes, yet all of them seemed to acknowledge the Soueraignty of Religion, in that they tooke vpon them the title and dignity of chiefe Bishops, because no man should haue any authority ouer them, as the Bishops had ouer the Consulls in the Romane Common-wealth; and yet neuertheless we read of Alexander Seuerus, that he suffered an appellation from himselfe to the Bishops, and that they reversed his sentence, when it seemed to them, that equitie and iustice required it. And heereto may be added; what great respect the Emperours of the Turkes, and Persians beare at this day to the chiefe Bishop, who hath power to abrogate any law made by them, if it seeme to him to be repugnant to the Alcoron.

48 But from these examples, or any other such like, this onely can be gathered, that all nations haue euer preferred Religion, and the worship of their Gods, before any other temporall thing, and that in respect chiefly of Religion, they gaue to their Religious Priests, (whom they appointed to bee their immediate Ministers to offer Sacrifice to their Gods, or as certaine messengers, or prophets to declare their wills, as in Rome were the Augures, and Soothsayers) certaine temporall honour, authority, and preheminence greater, or lesser according to the custome of euery Nation; but it cannot be gathered from hence, that this temporall authority, which these Religious Priests had to punish any man temporally, did proceed from the law of nature, or nations, as the law of nations is accounted one law, but from the municipall lawes of euery nation, kingdome, or common-wealth, as the diuers custome of euery nation touching the temporall authority of their Religious Priests doth cleerely conuince.

49 But marke, what Mr. Fitzherbert would gather from these examples; So that, saith hee, ⁿ by all this it appeareth, that howeuer all Nations haue differed amongst themselves in particular rites and ceremonies of Religion, yet they haue all agreed in this generall principle of nature, that there ought to be in all Common-wealths a due subordination and subiection of humane things to diuine, of Policy to Religion, and of the temporall Magistrate

n Pag. 133.
nu. 7.

Magistrate to the spirituall, in matters that appertaine any way to Religion: Whereupon it followeth, that Ius Gentium, the law of Nations being grounded upon the principles of nature, cannot patronize, or admit an Oath, whereby a temporall, and Secular Prince shall be exempted (in matters that concern Religion) from subiection to his spirituall Pastours, and specially to the supreme Pastour of Christs Church. Thus said I in my Supplement concerning the law of Nations, vvhereby it appeareth, &c.

50 No man maketh any doubt, but that all Nations haue agreed in this, as a principle of nature, that there ought to be a due subordination, and subiection of humane things to diuine, of Policy to Religion, and of the temporall Magistrate to the spirituall, in matters that appertaine to Religion: but in what this due subordination and subiection, according to the principles of nature consisteth, this is the whole difficulty. For if Mr. *Fitzherberts* meaning be, that spirituall things and Religion, are more excellent, then temporall things and policy, and therefore Religion, and things belonging thereunto, are *ceteris paribus* to be preferred before things appertaining to ciuill gouernment, and that, according to the principles of nature, it is fit and conuenient, that the ciuill common-wealth should for reuerence to Religion, giue to Religious Priests some temporall honour, authority, and prerogatives; and also, that Religious Priests should bee honoured and obeyed by all men in those things, wherunto the authority, which is given them either by God himselfe, or by the positiue graunt of the ciuill common-wealth doth extend; this I willingly graunt to be a principle grounded in nature, and naturall reason: But if his meaning bee that the ciuill common-wealth is according to the principles of nature, and naturall reason subiect and subordinate, not onely in dignity and perfection, but also in coercive authority, and that the Religious Priests might in the law of nature, and according to the knowne principles of naturall reason punish temporally eyther the supreme temporall Prince, or any one of the inferiour people, this is very vntrue, as I haue conuincd before ° out of the doctrine of *Abulenſis*, and *Snarez*.

o Cap. 8. nu. 35
or seq. & c. 3.
no. 40.

51 Wherefore, as all the particular power, and authoritie, which was graunted to Religious Priests in the order of nature before the law of God was written, as well in matters concerning Religion, as policie, did not proceede from the law of nature, or of nations, among whom there was so great varietie in this point, but from the priuate, or Ciuill law of euery particular common-wealth, to whom the chiefe mannage and disposition of all things, as well concerning Religion, as Ciuill gouernment did belong, so all the particular subordination, and subiection especially in coercive authoritie either of the people, or of the Ciuill Magistrate to the Religious Priests, as well in matters of Religion, as State,

State, did wholly proceede from the free grant of the Ciuill common-wealth, or the supreme *Prince*, and gouernour thereof. Wherevpon it evidently followeth, that both the *law of nature*, and *nations* would haue patronized, and admitted an *Oath*, which had bene made before the *law of God* was written, whereby the Ciuill common-wealth, or the supreme temporall *Prince* should haue bene exempted from the temporall punishment of any religious *Priest*, who in all matters as well concerning Religion, as policie, was subordinate and subiect both to the *coercive*, and *directiue* power of the Ciuill Societie, or common-wealth; and that therefore this *Oath* now in question concerning the *Popes* authoritie to depose temporall *Princes*, and to depose of temporall kingdomes, cannot any way be impugned, but altogether patronized by the *law of nature* and *nations*. And by this all that Mr. Fitzherbert hath said in his Supplement concerning the *law of nature*, and *nations*, and that also, which heere he addeth for a conclusion, is most cleerely satisfied.

p Pap. 133.
no. 8.

52 Thus said I in my Supplement, saith he, & concerning the *law of nations*, whereby it appeareth, that the said *law* (which is deduced directly from the *law of nature*) teacheth, and confirmeth not onely the supreme dignitie of Religion in the Common-wealth but also the subordination, and subiectiō of the temporall state to the Religious, even in temporall matters that touch Religion; and that the custome, and municipall *law* of the Romanes ordaining the same in their Common-wealth, was most conforme to the *law of nature*, being deduced directly from the knowne principles thereof, which by the light of naturall reason were manifest to the Philosophers, and wise law-makers amongst the Paynims; and therefore whereas Widdrington ascribeth the preeminence of Religion in the Common-wealth of the Romanes to a municipall *law*, denying it to be derived from the *law of nature*, which was the ground of that *law*, he speaketh as probably, as if he should ascribe an effect wholly to the second cause, and denie it to proceede from the first. So as it is evident, that he hath answered as improbably and imperfectly to my arguments drawne from the *law of nations*, as to the former grounded upon the *law of nature*.

q Num. 13.

53 But first, I haue cleerely shewed, as you haue seene, from the doctrine of *Suarez*, and the common opinion of Diuines, that the *law of nations*, as it is distinguished from the *law of nature*, is not directly deduced from the principles of the *law of nature*, but it is a *human law*, hauing force to bind onely by the positive constitution and decree of man. Secondly, that, although according to the principles of naturall reason Religion is in dignitie, perfection, and nobilitie superiour to policie, and policie is therein subordinate, and subiect to it, yet according to the *law of nature*, and *nations*, all the particular authoritie, which the Religious Societie, as it was distinguished from the Ciuill, had to command

maund, or punish any man, dependeth wholly vpon the *Ciuill common-wealth*, not onely in temporall, but also in religious affaires; and the particular customes, and municipall lawes not onely of the *Romanes*, but also of all other *nations*, graunting some temporall honour, authoritie, and prerogatiues to *Religious Priests* did not proceede from the *law of nature*, nor was *directly*, or *indirectly* deduced from the *principles* thereof, but was deriued meere from the *positive constitutions*, and graunts of euery particular *Ciuill common-wealth*, in whose power it was to create, depose, and punish their *Religious Priests*, and to extend, diminish change, and quite take away from them all their *directiue* and *coercive* authoritie: and Mr. *Fitzherbert* affirming the contrary, speaketh not onely improbably, and disagreeably to the doctrine of *Suarez* and all other learned *Diuines*, but also discouereth heerein his great want of iudgement, learning, and reading. Neuerthelesse I will not denie, but that in this sense the particular customes, and municipall lawes of *nations* graunting to their *Religious Priests*, who were their immediate ministers for things belonging to the publike seruice and worship of their *Gods*, some temporall honour, and authoritie, were most conforme to the *law of nature*, and *principles* of naturall reason, for that the *law of nature*, and light of naturall reason doth approoue and allow such lawes and customes as fit, and conuenient, but not commaund, and ordaine them as necessarie: in which sense also the exemption of *Clergie men* now in the *new law* from the *coercive* authoritie of *Secular Magistrates* ordained by *humane law*, may be said to be conforme to the *law of nature*, for that it doth approoue such exemption as conuenient, but not commaund it as necessary. And thus much concerning the *law of nations*, and *nature*.

54 Now touching the *Ciuill law*, Mr. *Fitzherbert* maketh a quicke dispatch therof in these words. *And as for the Ciuill law*, saith he, *where- at Widdrington saith only, that I haue proued nothing else thereby, but that the Pope is the supreme superior of the Church in spirituall matters, he is to vnderstand, that altho I haue not directly proued any thing else by the Ciuill law, yet I haue also thereupon inferred the extention of his power to temporall things by a necessarie consequent.* For hauing concluded, that the *Imperiall*, or *Ciuill law* doth not anie establish the *Popes Supremacie*, but also acknowledge the subiection of *temporall Princes* to him in matters belonging to their soules, and the good of the Church I added this inference.

55 Whereupon it followeth directly, that it acknowledgeth also, by a necessarie consequent, that he may punish them temporally in their persons, and states, when the good of soules, and the seruice and glory of God, doth require it, according to the rule of the said law, which I haue touched before to wit, that the accessorie followeth the principall, and that he which hath the greater

See Supplement
cap. I. m.
118. pag. 67.

greater power, hath also the lesse. And therefore I conclude, that the Ciuill law doth no way fauour, support, or iustifie the Oath, and much lesse in-
 Ibid. nu. 64 65. ioyne it, but flatly impugne, and ouerthrow it. Thus said I in my Supplement, remitting my Reader for the more ample prooffe of this inference, to that
 See cap. nu. 3. which I had before handled concerning the same, when I treated of the law
 & seq. of God, which I haue also repeated in the first Chapter; as also I haue examined his answers thereto, and shewed them to be very idle and frivolous, and therefore I may well conclude, that the arguments in my Supplement, grounded as well upon the lawes of God, Nature, and Nations, as upon the Ciuill, or Imperial law, doe stand sound, and good against the Oath, notwithstanding any thing, that my Aduersary Widdrington hath bene hitherto able to bring to the contrary.

56 But he, Mr. Fitzherbert, that you in whose mouth are so frequent absurd, ridiculous, impertinent, frivolous, foolish, idle, fraudulent, impious, malicious, (as though all your writings were so graue, wise, substantiall, and sincere) should thus in euery Chapter delude your Reader, and (not to vse your owne foule words) shew so great want of learning, iudgement, and sincerity. For what man of learning, or iudgement can sincerely thinke, that the Ciuill law may be said sufficiently to patronize the Popes power to depose Princes, and to impugne the new Oath, for that it acknowledgeth the Pope to be the supreme spiritual Pastour; or with what sinceritie can you make your Reader believe, that you had no other meaning in spending fourteene whole Pages of your Supplement, to prooue by the Ciuill law, that the Pope is the supreme spirituall Pastour, and hath authoritie to Excommunicate wicked Princes, then onely to inferre thereupon by your necessitie, or rather improbable consequent, that he may therefore punish them temporally in their persons, and states? For first, who would not imagine, that when you boasted to prooue the Oath, to be repugnant to the Ciuill law, because it denieth the Popes power to depose Princes, you would haue brought some text out of the Ciuill law, where it is written, that the Pope hath such a power to depose; and not to haue made so much adoe to prooue by the Ciuill law, the Pope to be head of the Church, and to haue authority to inflict spirituall Censures, which no Catholike denieth, and then forsooth in a word, or two to deduce from thence by a farre fetched consequence of your owne, and not of the Ciuill law, that therefore the Pope may also punish them temporally in their persons, and States?

57 And truly, if it be sufficient to condemne in this manner the Oath by the Ciuill law, you might in the like manner for a greater flourish haue brought the authoritie of all the auncient Fathers, yea and of all Catholikes, even of my selfe, and of all those, who maintaine the Oath to be lawfull, for a cleere testimony to condemne the same; for that
 all

all the ancient *Fathers*, and all *Catholikes*, euen my selfe, and those who maintaine the *Oath* to be lawfull, and denie the *Popes* power to depose *Princes*, doe acknowledge the *Pope* to be the supreme spirituall Pastour, and to haue authoritie to inflict spirituall Censures. And without doubt you would condemne me for a vaine-glorious *Thraso*, if I should take vpon me to prooue by the testimony, and grant of Cardinal *Bel-larmine*, *Gretzer*, *Lessius*, *Becanus*, *Suarez*, and of your selfe, who are so vehement for the *Popes* power to depose *Princes*, that the *Pope* hath no such power; for that you and all the rest doe grant the *Pope* to bee the supreme spirituall Pastour; and then by a necessarie consequence in my iudgement, though not in yours, I should inferre from thence, that because the *Pope* is by the institution of *Christ* according to the doctrine of the ancient *Fathers* a spirituall Pastour, and not a temporall Prince, he hath only authoritie to giue, or take away heauenly, not earthly kingdomes, to absolue from the bond of sinnes, not of debts, to vse spirituall, not temporall weapons, or, which is all one, to inflict Ecclesiasticall, not Ciuill punishments: This consequence the ancient *Fathers* made. But besides that it is not sufficient to prooue any conclusion by the authority of the *Ciuill law*, vnles the *Ciuill law* granteth both the premises, or propositions from whence that conclusion is deduced, the insufficiencie of this consequence grounded vpon those rules, *The accessorie followeth the principall, and he that can doe the greater, can doe the lesse*, I haue made manifest in the former Chapters.

58 Secondly, doe not dissemble, Mr. *Fitzherb*. nor seeke to delude your Reader, but deale sincerely, and be not ashamed to acknowledge your error, seeing that not onely your selfe, but also Card. *Bell. Gretzer*, *Lessius*, *Becanus*, and also *Suarez* haue herein grosely erred. For your meaning was not by making that long discourse out of the *Ciuill law*, to proue the *Pope* to be the supreme spirituall Pastour, and to haue authoritie to Excommunicate wicked *Princes*, onely to inferre by a necessary consequent in your owne vnderstanding, that he may also punish them temporally in their persons, and states, but your meaning was to proue directly by the *Ciuill law*, the *Oath* to be vnlawfull, for that in your opinion it denieth the *Popes* power to Excommunicate *Princes*, which the *Ciuill law* doth expressly acknowledge: For in the beginning of your Supplement, you tooke vpon you to proue the *Oath* to be repugnant to all lawes humane and diuine, namely in respect of those clauses, which do exempt temporall *Princes* from excommunication, and deposition by the *Pope*: and then after you had made an end of your long discourse concerning the *Popes* spirituall power acknowledged by the *Ciuill law*, you made this inference, that the *Ciuill law* cannot iustifie the *Oath*, but doth flatly impugn it, for that the *Oath* supposeth and implieth the Kings Maiestie to be supreme head of the English Church, and not the *Pope*, and thereupon denieth

See aboue cha.
5th sec. 3. mu. 11.
Co seq.

See chap. 2. Co
3. 2nd 20th mu.

nieth the Popes authoritie to excommunicate, and depose a temporall Prince. So that the *Oath* in your opinion contained two clauses, the one a deniall of the Popes power to excommunicate Princes, and this was that which you intended to prooue to bee directly repugnant to the *Ciwill law*; the other was a deniall of the Popes power to depose Princes, and this in a word or two related before, you affirmed to be also repugnant to the *ciwill law*, for that in your iudgement it followeth necessarily fro the former, which how vaine an assertion this is, you may see by that I haue said before, for so you may make one to affirme any thing, if to make him to graunt an *argument* or *consequent*, it bee sufficient that he graunt the *antecedent*, although he deny the *consequence*. But now it seemeth by your silence, as I signified before in the first *Chapter*, that you are ashamed to insilt vpon the former clause concerning the Popes power to excommunicate Princes, for which you made that long discourse to prooue by the *Ciwill law* the Popes supremacie in spirituals, and yet rather then you will confesse your errour, you care not to delude your *Reader*, in dissembling the chiefe and principall cause, for which you affirmed the *Oath* to bee repugnant to the *Ciwill law*, to wit, because it denied the Popes power to excommunicate Princes, wherein with many others of your *Society*, you haue most fowlely and shamefully erred.

59 Wherefore I may now very well conclude, that the arguments which M^r. Fitzherbert hath brought in his *Supplement* grounded as well vpon the law of God, of nature, and nations, as vpon the *ciwill* or *imperiall* law, are very insufficient, and that the answers which in my *Admonition* I did briefly make to them, doe stand sound and good, notwithstanding any thing that M^r. Fitzherbert hath beene hitherto able to bring to the contrary. Now you shall see what arguments he bringeth from the *Canon law*, and especially from that so often named decree of the famous *Councell* of *Lateran*.

CHAP. IX.

wherein the difficulties which some make concerning the authority of the Lateran Council are propounded, the decree of the Council, which is commonly urged to prooue the Popes power to depose Princes is related, and Widdringtons first answer to the said Decree is proued to be sound and sufficient, and Mr. Fitzherberts replies against the same are confuted.

WE are come now at last, courteous Reader, to examine what conuincing arguments can bee brought for prooue of this new pretended Catholike faith, touching the Popes power to depose Princes out of the Canon law, and especially from the decree of the great and famous Council of Lateran, whereon my principall Adversaries, seeing belike all their other arguments and authorities to bee cleane shaken and battered, doe now chiefly rely. Wherefore, albeit neither the more ancient of our moderne Diuines, who are vehement maintainers of the Popes power to depose Princes, as *Victoria*, *Corduba*, *D. Sanders*, and others, nor Cardinall *Bellarmino* himselfe, who hath taken from these men all his chiefe arguments and authorities to confirme his new Catholike faith in this point, did in his *Controversies* make any great reckoning of the decree of this great Council, for otherwife without doubt, he being not ignorant of this decree, and also desirous to make his doctrine vnquestionable, and therefore feareth not to brand the contrary opinion with the note of *heresie*, would not haue bene contented onely with the fact of *Pope Innocent* the third in deposing *Otho* the Emperour, and haue neglected to vrge this decree of the Council of Lateran, which was called by the said *Pope Innocent*, yet now hee flyeth to the decree of the great Council of Lateran, as the chiefe pillar to support his new Catholike faith: & therefore in regard principally of this decree he doubteth not to affirme (but how rashly, and without sufficient ground you shall see beneath) that whosoever denyeth the Popes power to depose Princes, contemmeth the voyce of the Church in this so great and famous a Council, and is to be accounted a *Heathen* and *Publican*, and in no wise a *Christian*.

2 And Mr. *Fitzherbert* also maketh so great account of this decree, that whereas hee spendeth onely three Chapters concerning the law of God in the olde and new Testament, the law of Nature, of Nations, and the Civill law, yet in examining this decree of the Council of Lateran, he

con-

a P. 104. 105.

consumeth *seven* whole Chapters, wherein hee hath borrowed of *Fa. Lessius* masked vnder *D. Singleton*s name the greatest part of a whole Treatise, which he made in the defence of this Decree, and in the end he boldly affirmeth, *a that I am false into flat heresie, yea, which is more, by my owne grant, and confession*, and why forsooth? for not vnderstanding the Decree in that sense, wherein *Cardinall Bellarmine*, and some later *Divines*, specially *Iesuites* doe vnderstand it, as though the authoritie of these men is so great, that wee are bound to accept their priuate expositions concerning any text of holy *Scriptures*, or sacred *Canons*, for the voice of the *Catholike Church*. But how vaine are the bragges of this boasting man, and how palpable are his slanders, taxing me of *ridiculous absurditie, folly, temeritie, malice impietie, impudencie, and heresie*, and then especially, when my answers are most strong, and his *Replies* most childish, and impertinent, you haue partly seene in the former Chapters, and in the rest also you shall more cleerely perceiue.

Bel. lib. 2. de
Cencil, cap. 1. 3.

3 But before I come to shew what is the true sense, and meaning of this decree, it will not bee amisse first to see, of what authoritie and credit among all *Catholikes* this great and famous Councell of *Lateran*s, and ought to bee, for this is very materiall to know, whether any decree therein contained bee of it selfe sufficient to make any matter of faith, which all *Catholikes* are bound to beleue to be of faith: as also, because some make doubt, saith *Cardinall Bellarmine*, whether the last Councell of *Lateran* vnder *Pope Leo* the tenth, which most expressly defined, that the *Pope* is about a *Generall Councell*, was truly a *Generall Councell*, therefore enen to this day it remaineth a question also among *Catholikes*, whether a *Generall Councell* be about the *Pope*, or no. And although I doe not intend to deny, or call in question the authoritie of this Councell, but for my owne part doe willingly admit, and approue the same, yet for satisfaction of the Reader, and that the truth may the more easily bee found out, and followed, I thinke it necessarie to set downe the doubts, and difficulties, which some haue made against the authoritie of this so great, and famous a Councell.

4 First therefore, it is certaine, and out of controuersie, that the aforesaid Councell of *Lateran* was called by *Pope Innocent* the third, to which came all those *Ambassadors*, *Bishops*, and other inferior *Prelates*, mentioned heere beneath by my *Adversarie*, and in this all *Histories* doe agree, in which respect it may truly be called the greatest, and most famous Councell, that euer was assembled in the Church of God, albeit, if we respect onely the number of the *Bishops* who were present thereat, and who only according to *Card. Bellarmine*s doctrine haue authoritie to decide, determine, and define, as *Judges*, matters belonging to *Christian faith*, and *Religion*, the Councell, of *Chalcedon* was farre greater

ter, whereat were present 630. Bishops, and the Councell of Lyons vnder Pope Gregorie the tenth was also farre greater, whereat were present according to Genebrard, 500. Bishops, and according to Binnius more then 700. whereas at this Councell of Lateran were onely 412. Bishops according to Matthew Paris, and Abbas Vsperegensis, whom Binnius followeth, who comprehend the two Patriarchs, and 70. Archbishops in the number of the 412. Bishops. But all the difficultie consisteth in this, whether this decree, which is now in question, and all the other Canons, which now are published, as decrees of the Councell of Lateran, were confirmed by the generall consent of all or the greatest part of all the Fathers, or were onely propounded and rehearsed in the Councell, but not approoued by common consent. And one chiefe ground of this difficultie is taken from the testimonie of our country-man Matthew Paris, a Benedictine Monke of the Monasterie of S. Alban, who both liued neere the time of this Councell, and was also reputed a man *probata vita & religionis experta*, of an approoued life, and tried religion, as Pope Innocent the 4 doth testifie, in regard whereof he was by the same Pope Innocent sent into the kingdom of Norway to reforme the Monasterie of Holme; although in regard of his freedome of speech, and vpright dealing heis vnderferuedly taxed by the most Illustrious, and renowned Cardinall de Peron, as a great enemy to Popes, in which respect he might also taxe him, as a great enemy to all, both Popes, and Kings, Clerkes, and Laikes, yea and to those of his owne Order, for that hee freely, and without partialitie rehearseth, and taxeth the vices of all: But the ancient prouerbe is by dayly experience found true, *Obsequium amicos, veritas odium parit*. Flatterie causeth friends, truth enimistie.

See his Historie
of Henrie the 3.
in the year.
1248.

5 Thus therefore hee writeh of that Councell, ^b after hee hath set downe the time, and place where it was held, and the number of persons who were present thereat: *All these being gathered together in the place aforesaid, and according to the manner of Generall Councells euery man being placed in his order, the Pope hauing made first an exhortation, 60. Chapters were rehearsed in the full Councell, which to some did seeme pleasing, or easie, to others burdensome. At length he beginning his speech concerning the businesse of the Crucifix, subioyned saying, &c.* And the same Matthew Paris in his lesser Chronicle writeth thus: *But that Generall Councell, which after the Papall manner did pretend great things at the beginning, ended in scorne and mockerie, whereby the Pope cunningly deluded the Archbishops, Bishops, Abbots, Deanes, Archdeacons, and all that came to the Councell: For when they now perceiued nothing to bee done in so great a businesse, they being desirous to returne home, desired a leaue one after another: which the Pope did not grant them, before they had promised him a great summe of money, which they were constrained first to borrow of Romane merchants, and pay it to the Pope before they were permitted*

b Mat. Paris
upon the year
1215, in the
life of King
Iohn.

to depart from Rome. The Pope now hauing receiued the money did freely dissolue this gainesfull Councell, and all the Cleargie departed sorrowfull.

6 From which words of *Matthew Paris* it seemeth to follow, that neither all these 60. Chapters mentioned by him were made by the order of the whole Councell, but rather by *Pope Innocent* himselfe, or by his direction before the Councell began, both for that at the very beginning of the Councell, after the Pope had made his sermon, it seemeth that they were rehearsed in the full Councell, and also because they seemed to some pleasing, and to others burdensome, nor that they were approoued by the common consent of the *Fathers*, because there is no likelihood that they would giue their free consent to the publishing of such decrees, which seemed to them heauie, and burdensome. And therefore the most Illustrious Cardinall of *Peron* was greatly mistaken, when hee affirmed *Matthew Paris* to say, that the Councell of Lateran made 60. Chapters, for that *Matthew Paris*, as you haue scene, onely saith, that 60. Chapters, which seemed pleasing to some, and burdensome to others, were rehearsed, he doth not say, made, in the full Councell.

*Platina in vita
Innocentij 3.ⁱ &
Nauclerus ge-
nerat. 4. l. ad
annum 1215.*

7 Another ground, why the authoritie of this Councell is by some called in question, is taken from the testimonies of *Platina*, and *Nauclerus*, and some other circumstances annexed thereunto. For both these Authors doe expressly affirme, that nothing at all could be plainly decreed by the Councell, by reason of the suddaine departure of *Pope Innocent* from Rome, giuing to vnderstand thereby, that something was by the common consent of the *Fathers* decreed, but nothing plainly. The words of *Nauclerus* are these: In the yeere of our Lord 1215. *Pope Innocent* did celebrate at Rome in the Lateran Church a Councell, or Synode, at which were present the Patriarches of Ierusalem, and Constantinople, &c. Many things were then consulted of, but nothing could bee plainly decreed, for that that those of Pisa, and Genoa made warre one against the other by Sea, and those on this side the Alpes by Land (therefore the Pope going thither, saith *Platina*, to take away this discord, dyeth at Perugia) Neuertheless some Constitutions, saith *Nauclerus*, are reported to bee published, among which one is, that whensoever the Princes of the world shall offend one the other, it belongeth to the Pope to correct them. Many things in conclusion were treated of for the recouering of the holy Land.

8 Neither are these words, say they, of *Nauclerus*, [that nothing was plainly decreed in the Councell] to be vnderstood onely concerning the recouering of the holy Land, both for that his words are generally and without limitation, and to be referred to those many things that were consulted of, which did not only concerne the recouering of the holy Land, but also the reformation of the vniuersall Church in faith, and manners, for both which causes the Councell was called, as *Pope Innocent* himselfe, in his speech, which hee made to the Councell at the begin-

beginning thereof, and in his Bull of calling the Councell related by *Abbas Vſpergenſis*, doeth expreſly affirme; and alſo thoſe wordes of *Naucletus* immediately following, yet ſome Conſtitutions are reported to bee publiſhed, among which, &c. and his putting in the laſt place, that many things were treated of for the recovering of the holy Land, doe ſufficiently ſhew, that thoſe firſt wordes of his [Many things were conſulted of, yet nothing at all could bee plainly decreed] he did not underſtand touching onely the holy Land.

*Abbas Vſper.
ad annu. 1212.*

9 And although thoſe very ſame wordes, that *Platina* hath, to wit, that many things were then conſulted of, but nothing could be plainly decreed, may be wreſted to the recovering only of the holy Land, if wee onely regard his wordes immediately going before, to wit, that the Pope ſeeing the power of the *Sarracens* to increaſe in *Aſia* doth celebrate a very great Councell at *Lateran* at which were preſent, &c. Many things were conſulted of, &c. yet if wee conſider, ſay they, many other circumſtances together alſo with that, which *Matthew Paris* ſaid before, it is probable, that *Platina* his meaning was, that many things were conſulted of, not onely concerning the increaſe of the *Sarracens* power in *Aſia*, but alſo touching the reformation of the Church in faith and manners contained in thoſe 60. Chapters rehearſed in the full Councell, and that nothing at all, eſpecially concerning thoſe Chapters, which ſeemed to ſome eaſie, to others burdeſome, could bee plainly, and manifeſtly decreed, for that the Pope did ſo ſuddainly depart from *Rome* to appeaſe the diſcord betwixt the people of *Piſa*, and *Genoa*, that there was not time ſufficient, duely and maturely to debate the ſame.

10 The firſt circumſtance is, that although the increaſe of the *Sarracens* power in *Aſia* was an occaſion to haſten the calling of this Councell, yet it was not called onely for the recovering of the holy Land, but alſo for the reforming of the vniuerſall Church in faith, & manners, to wit, as Pope *Innocent* himſelfe confeſſeth, to roote out vices, and plant vertues, to correct exceſſes, & reforme manners, to expell hereties, & ſtrengthen faith, to appeaſe diſcords, and eſtabliſh peace, to ſuppreſſe oppreſſions, and nouariſt libertie, to induce Chriſtian Princes, and people to giue aide, and ſuccour to the holy Land, &c. whereof *Platina* could not be ignorant; and that therefore, according to *Platina* his meaning, many things were conſulted of, concerning the things, for which the Councell was called, but nothing was plainly, and manifeſtly decreed by any authentick and publicke approbation of the whole Councell. And in this ſenſe that, which writeth *Godofridus*, who liued at the ſametime, may be well underſtood; *The ſame yeere 1215*, ſaith he, the Pope held a Councell at *Rome*, where Patriarchs, Archbiſhops, Biſhops, Abbots, Prelates of Churches, as well from the parts beyond the Sea, as from all the coaſtes of Chriſtendome, were gathered together in the Church of Saint Iohn Baptiſt, which began at

*See Abbas
Vſperg. ad annu.
1212.*

*Godofridus
monachus ad
annu. 1215.*

the feast of S. Martin, and was prorogued vntill the feast of Saint Andrew, wherein nothing was there done worthy to bee remembred, but that (which before was vntheard of) the East Church did submit her selfe to the West.

11 The second circumstance is, that there was as much decreed in the Council concerning the recouery of the holy Land, and as plainly, as touching any other thing, as it is manifest by the last Chapter; Being mooued, saith the Pope, with a vehement desire to deliuer the Holy land from the hands of the wicked, by the aduice of prudent men, who fully know the circumstances of times, and places, the sacred Councell approouing, we define, &c. Whereupon, as writeth Sabellicus, it was sufficiently agreed vpon to make warre against the wicked in Asia, but the discord betwixt those of Genoa, and Pisa hindered the preparation thereof.

Sabellicus ad.
9. lib. 6.

12 The third circumstance is, that this so great and famous Council, which was celebrated in the yeare 1215. was not published to the view of the world, and placed among the other Councils, but 300. yeares after it was celebrated, to wit, in the yeare 1538. and that by a German, who affirmeth, that he had these decrees out of an ancient Booke, but from whence, or from whom he had this Booke, or of what credit it was, he maketh no mention: and Iacobus Merlin, who printed the Councils but three yeares before, did cleane omit this Council of Lateran. Now what prudent man, say they, can imagine, that if this Council, and all the decrees, which are now therein contained, had bene approoued by the generall consent of the Fathers, who were present thereat, either Pope Innocent himselfe, who would haue caused the said decrees forthwith to be published, as other approoued Councils haue euer bene published, or that his Nephew, and next Successour but one, Pope Gregory the ninth, as he was carefull to publish all his Vnles decretall Epistles, and these decrees also, which were propounded by him in this Council of Lateran, whereof the greatest part of the Canon law, called the decretals of the Pope Gregory the ninth, is compounded, so also hee would not haue neglected to publish this so great and famous Council of Lateran, and the Canons therein decreed, if it had bene certaine, that they were approoued and confirmed by the consent of the whole Council: or if there had bene any authentick copie of this Council preserued in the Vatican, as by all likelihood there would haue bene, if the Council had bene complete, and Oecumenicall, and the decrees therein propounded, had bene approoued by the generall consent of the Fathers) some one or other *Romane Antiquary* would in 300. yeares space haue caused it to be published, and that we should not haue needed a *German*'s helpe to seeke out in *Germanie* after 300. yeares a copie of this Council to publish as authentickall.

13 But it seemeth, say they, that this ancient Booke which this
first.

first publisher of the Councell mentioneth, was by some one or other collected out of the Booke of the *Canon law*, called the *decretals* of Pope Gregory the ninth, for that it containeth iust as many Chapters, and no fewer then are in the *Decretals*, to wit, 72. Chapters: and they haue the very same beginning, and ending, and also the very same notes and obleruations euen in the middle of the *Chapters*, which is not so in other *Councells*, as may be seene in the *Councell* of *Lateran* held vnder Pope Alexander the third, whereas the *Chapters* propounded and rehearsed in this great *Councell* of *Lateran*, were according to *Mathew Paris* onely 60. And this will appeare more cleare, if we consider that the 40. and 41. Chapter, and the 60. 63. and 64. in the *Edition* of this *Councell* set out by this *German* make 4. chapters, as they do in the *Decretals*, and not two onely, as in the *Councells* now published they are diuided, that thereby they may make iust 70. Chapt. & not 72. and so it might more credibly be answered (as the most illustrious Cardinall of *Peron* doth answer) that it was an errour in *Mathew Paris* of the Writer, or Printer, to put 60. for 70. whereas to put 60. for 72. and so to change both the letters, had beene an errour too egregious, and hardly to be beleueed.

14 To these circumstances may be added, that there is no mention made of the approbation of the *Councell*, but onely of some few decrees, as of the 2. 4. 5. 18. 42. 44. 45. 46. 47. 48. 51. 66. 69. and the 72. or last decree concerning the holy land, whereof the third decree, which is now in controuerlie betwixt my *Aduersaries* and mee, is none: As also neither Pope Gregory the ninth doth in the *Decretals* intitle any one of those Chapters, or decrees, as made by the *Councell* of *Lateran* (howsoeuer the most illustrious Cardinall of *Peron* doth vntually affirme the same) but onely by Pope Innocent in the *Councell*, which words doe not properly, and in rigour of speech signifie, that they were made or approoued by the *Councell*, but onely by Pope Innocent in the *Councell*, or, as *Mat. Paris* saith, rehearsed in the full *Councell* by the commandement of Pope Innocent to be approoued, and confirmed by the common suffrage and consent of the Fathers, which neuertheless seemed to be easie and pleasing to some, but burdensome to others: And therefore the Fathers did not agree about them; neither was there time sufficient to examine them more thoroughly, by reason of the great hast which Pope Innocent made to depart from *Rome*, to appeale the stirres in *Italy*. For the *Councell* began at *S. Andrews* tide, and the Pope dyed at *Perugia* the next *Iuly* following; neither doe any Histories that I haue read make mention, when the Pope dissolued this great and famous *Councell*; Onely *Blondus* affirmeth, that he departed from *Rome* primo vere, at the first beginning of the Spring. So that the *Councell* might continue onely for a moneth or two, for ought by any History wee can

can know to the contrary. Whereupon *Platina*, after he had said, that many things were consulted of, and nothing could be plainly decreed, for the reason before mentioned of the Popes suddaine departure from Rome, ascribeth the condemnation of *Almaricus* his errours, and of *Abbot Ioachim* his Booke against the Master of the sentences, not to the Councell, but onely to Pope *Innocent*: Pope *Innocent*, saith he, did disprove a certaine Booke of *Abbot Ioachim*, and hee condemned the errours of *Almaricus*.

15 All these things being considered, it is very probable, say they, that albeit many things were consulted of in the Councell, yet nothing at all, especially concerning those decrees, which to some seemed easie, and to others burdensome, could be plainly decreed, that is, concluded and agreed vpon by any publike, and knowne authentically decree of the whole Councell, or greatest part thereof, hitherto published to the view of the world: yet it may very well be, that most of those Fathers gave at least wise their priuate or tacite consent to the publishing of many of those 60. Chapters or decrees, although also all those 13. decrees, wherein mention is made of the approbation, and consent of the Councell, might by the appointment of Pope *Innocent* be written in that forme of words before the Councell began, and also rehearsed in that manner in the very beginning thereof. Wherefore we haue not, say they, any true authentically Copie of the Councell of *Lateran* yet published, taking the Councell, as it containeth onely those decrees, which were made by the common consent and approbation of the whole Councell, but the Councell of *Lateran*, which is now extant, is onely a collection of those decrees registred in the Booke of *Decretals*, which Pope *Innocent* propounded to the Councell, and were rehearsed, as *Matthew Paris* saith, in the full Councell at the very beginning thereof: especially seeing that the Earldome of *Tholosa* was by a peculiar decree of the Councell of *Lateran*, with the consent no doubt of the King of *Fraunce*, giuen to *Simon Earle of Montfort*, which decree is not to be found in the Councell of *Lateran* now extant, for that it was not by Pope *Gregorie* the ninth, put among the *Decretals*. These be reasons, for which the authority of this great Councell is by some called in question.

16 But on the contrary side the most *Illustrious Cardinal* of *Peron*, doth bring two principall arguments, which may seeme to confirme the authority of this Councell, and that the decrees now extant were made by the generall consent and approbation of the whole Councell. The first is, for that otherwise we may impugn the article of *Transubstantiation*, the article of the holy Ghost proceeding from the Father, and the Sonne, the precept of annuall confession, the condemnation of the errours of *Abbot Ioachim*. &c. But to this argument they answered, that it doth not therefore follow, that we may impugn the aforesaid

Decrets

Paul. Emilius
lib. 6. in Philip.
po 2. Seuebr.
lib. 4. ad an-
num 1215.
Vignierius eo-
dem anno.

Decrees, because they are now received by the generall consent of all Catholikes, either by vertue of the *Canon law*, contained in the booke of *Decretals*, which *Pope Gregory the ninth* commanded to be obserued, and practised by all men, or because they are approoued by common consent, but not by virtue of the authoritie of the *Councell*, wherein nothing was decreed, and agreed vpon by any knowne, and authentick approbation of the Fathers, although doubtlesse they did by their priuate, or tacite consent approoue many of those 60. or 70. *Decrees*.

17 The second argument is, for that both *Councils*, *Popes*, and *Scholasticall Doctours*, doe cite some of the aforesaid 60. or 70. *Decrees*, as of the *Councell of Lateran*. But to this also they answere, that these *Decrees* are called *Canons* of the *Councell Lateran*, for that they were propounded and rehearsed in the *Councell*, but not confirmed or approoued by the generall acceptance, and consent of the Fathers, because they seemed to some to bee easie and pleasing, but to others heauy and burdensome. To these may be added a third argument, that the *Councell of Constance* in the 39. Session ordaining what profession the future *Pope* was to make, decreeth, that every future *Pope* hereafter to bee chosen, must make this confession, and profession. before his election be published, that he doth firmly beleue the holy Catholike faith, according to the traditions of the Apostles, of generall Councils, and of other holy Fathers, but especially of the eight Sacred generall Councils, to wit, of the first *Nicene*, of the second *Constantinopolitan*, of the third *Ephesine*, of the fourth *Chalcedon*, of the fifth and sixth *Constantinopolitan*, of the seventh *Nicene*, and the eight *Constantinopolitan*, and also of *Lateran*, *Lyons*, and *Vienna* also generall Councils. But to this they also answere, that by the *Councell of Lateran* is not vnderstood this vnder *Pope Innocent* the third, but the former celebrated vnder *Pope Alexander* the third, in the yeere 1180. and if it bee vnderstood of this *Councell of Lateran*, it is only, say they, forasmuch as concerneth those decrees wherein mention is made of the approbation of the *Councell*, as is that 46. decree which the *Councell of Constance* mentioneth in the Bull of the confirmation of the Emperour *Frederikes* constitution. As also by the *Councell of Lyons* it doth not vnderstand that vnder *Pope Innocent* the 4th. who in the presence thereof excommunicated the Emperour *Fredricke*, and whereat only 140. Bishops were present, but that vnder *Pope Gregory* the tenth, in the yeere 1274. whereat *S. Bonauentura*, and *S. Thomas of Aquine*, and more then 700. Bishops were present according to *Binnius*, and *Ebarhardus*, whom *Binnius* citeth.

18 These be the principall difficulties both against, and for the authoritie of this *Councell of Lateran*, which, before I came to examine the sense & meaning of the degree which is now in question, I thought

needfull to set downe, that the *Reader* may thereby iudge, whether if one for the reasons aforesaid should deny the authority of this *Council*, and affirme, that nothing was therein plainly concluded by any publique and authentickall decree, approoued by the common consent of the greatest part of the Fathers there present, may be excused from all note of *heresie*, *error*, and *temerity*, in that manner as the *Doctors* of *Paris* may be excused from those aspersions, for still defending the authority of a *Generall Council*, about a true and vndoubted *Pope*, and denying the authority of the *Council* of *Lateran* vnder *Pope Leo* the tenth, wherein the contrary doctrine, as *Cardinall Bellarmine* saith, is expressly defined; yet for my owne part, as I said before, I doe willingly embrace, and admit the authority of this great *Council* of *Lateran*, and of euery *Canon* and *Decree* therein contained, and namely of this which is now in question, and doe onely contend about the true sense and meaning thereof, as is viually in the holy *Scriptures* themselves, which some expound one way, some another, not intending thereby to call in question the authority of *Gods* word but onely to examine and declare what is the true sense and meaning thereof.

19 Now let vs see, what *M^r. Fitzherbert* saith in this *Chapter* against my answer, wherein I briefly declared the true sense and meaning of this *Decree*. Thus therefore he beginneth: *It resteth now*, saith he, *that I examine the probability of Widdringtons answers to my arguments grounded upon the Canon law, and specially upon a constitution, and Canon of the great and famous Council of Lateran.* And first of all he setteth downe the answer I gaue in my *Admonition*, which before I relate, it will not bee amisse to put downe the decree it selfe of the *Council* of *Lateran*, for thereby the sense and true meaning thereof will more easily appeare. First therefore the *Council* in the third *Chapter* doth excommunicate, and anathematize all *heresie*, and condemn all *heretickes*, by what name soeuer they be called, and doth ordaine, that they being condemned shall be left to secular potestates, *Magistrates*, or their *Bayliffes* to be punished according to their deserts, but so that *Cleargie men* shall be first degraded from their *Orders* or *Cleargie*, and if they bee *Laymen*, that their goods shall be confiscated, but if they be *Cleargie men*, that their goods shall be applied to the *Churches*, from whence they receiued stipends: And then it decreeth thus:

20 But let *Secular Potestates*, what offices soeuer they beare, bee admonished and induced, and if it shall be needfull, be compelled by Ecclesiasticall Censure, that as they desire to be reputed and accounted faithfull, so for the defending of the faith, they doe take publickely an Oath, that they will sincerely endeavour to their power to cast out of the territories subiect to their *Jurisdiction* all *heretickes* declared by the *Church*: So that from hence forth when any man shall bee chosen to a perpetuall or temporall potesta, or office,

office, he be bound to confirme this Chapter by Oath. Si vero Dominus temporalis, &c. But if the temporall Lord, Officer, or Landlord, being required and admonished by the Church, shall neglect to purge his territory from hereticall filth, let him be excommunicated by the Metropolitan, and other Bishops of the same Prouince. And if he shall contemne to giue satisfaction within a yeare, let it bee signified to the chiefe Bishop or Pope, that from thenceforth he may denounce his vassals absolved from his fealty, and expose his Land or territory to be taken by Catholics, who, when the heretickes be rooted out, may possesse the same without contradiction and conserue it in the pursue of faith, the right of the principall Landlord, or Lord being reserved, so that he giue no obstacle to this, nor put any impediment thereto: The same neuerthelss to be obserued concerning those, who haue no principall Landlords. This is the decree of the Councell.

11 Now all the difficulty consisteth chiefly in this, what is to be vnderstood by those words, dominus temporalis, & dominus principalis, a temporall and principall Landlord, Officer, or, if we will needs translate it so, Lord: Mr. Fitzherbert in his Supplement pretended to prooue, that those words did comprehend Kings, and absolute Princes, and that therefore the Pope hath authority to depose temporal Princes, and to absolve their subjects from their temporall allegiance. To which his argument I answered briefly in my aforesaid Admonition^c in this manner.

22 Lastly, to that decree of the Councell of Lateran so often inculcated and urged, I gaue elsewhere^d diuerse answers, which this Author F.T. dissembleth. He insinuateth one of them, and confuteth it mostly coldly, to wit, that by the name of him that hath not a principall Landlord, (or if wee will needs haue him called Lord) Emperours, and absolute Kings are not to be vnderstood, but other inferior Landlords, or Officers, who are subiect to Kings; seeing that the Emperour Fredericke five yeeres after this Councell was celebrated, made the same decree almost in the very same words, changing only spiritual penalties into temporal, who by the name of him that hath not a principall Landlord, or also Lord, could not vnderstand himselfe, and other absolute Princes. Whereupon I probably gathered; that those wordes, Non habens Dominum principalem, Not hauing a principall Landlord, or also Lord, could not by force of the words comprehend Kings, and absolute Princes, who, vnlesse they be namely expressed in penall lawes, are not to bee vnderstood, to wit, by the generall names of temporall and principall Landlords, or Lords. And to say, that the Emperour did not comprehend Kings in those words, and that the Pope did meane to comprehend them, is barely to say, not to demonstrate: considering that if the Synode (of Lateran) had meant to haue comprehended Soveraigne Princes in that decree, the might as easily haue named them by their proper names of Prin-

For Dominus temporalis, signifieth also euery Officer, Magistrate or Landlord.

c. N^o. 37.

d. Widdr. in Prefat. ad Resp. Apol. nu. 43.

ces, as by the generall names of principall Land-lords, Officers, or Lords, or who have no principall Land-lords, Officers, or Lords, especially seeing that the same Councell in other decrees hath vsed the peculiar names of Princes. Wherefore vntill some man shall clearly demonstrate, (I say not shall onely shew probably) that those answers, which I gaue to the Councell of Lateran, are altogether improbable, no effectuall argument can bee brought from that Councell, whereby it may certainly, and evidently be prouoed, that it is so certaine that the Pope hath power to depose Princes, that the contrarie cannot without the note of heresie, error, or temeritie be defended by Catholikes.

e Chap. 9. nu. 3
& seq. p. 4. 137.

23 To this my answer Mr. Fitzherbert replieth thus: *Now then,* saith he, *for as much as all our question heere is concerning the Canon of the Councell of Lateran and that some of those, who may read this Reply, haue neuer seene that Canon, or my Supplement. I thinke good to set downe here, what I said in my Supplement concerning that Councell, & Canon: Therefore hauing declared, that the Councell of Lateran was gathered by the generall consent as well of the Greeke, as of the Latine Church, and of the Emperours of the East and West Empire. I added, that there were present thereat, the two Patriarchs of Constantinople, and Hierusalem, and the substitutes of the two other Patriarchs of Alexandria, and Antioch, 70. Archbishops, Greekes and Latines: 412. Bishops, and 800. other Prelates, that is to say, aboue 1200. Besides that there assisted also the Ambassadors not onely of the Romane, and Greeke Emperours, but also of the Kings of Hierusalem, England, France, Spaine, Hungary, and Cyprus, and of other absolute Princes. So as I conclude, that it was the greatest, and most generall Councell, that ever was assembled in the Church of God: and then I added further as full weth.*

S. Antonin.
sit. 19. §. 6.
Paul. Emil.
lib. 6.
Naucler. gene.
rat. 41.
Blond. dec. 2.
lib. 6. in fine.
Platina in Innoc.
terti.
Concil. Later.
sub Innoc.
terti. tom. 3.
com.
Matth Paris.
& Westmon.
ast. ad an.
num. 1215.
Can. 3.
Supplem. cap.
6. nu. 2.

24 This was the great Councell of Lateran held vnder Innocentius the third, in the yeere of our Lord 1215. wherein it was decreed thus: *Si Dominus temporalis, &c. If a temporall Lord being required, and so forth, as you may see aboue. Thus farre the Decree of this Oecumenicall Councell assembled by the consent of all Christendome, wherein you see not only the Popes authoritie to depose Princes was avowed, and acknowledged; but also the practise thereof expressly ordained, and determined, when Princes shall neglect their dutie to purge their States of heresies, and contemne with all the Ecclesiasticall Censures.*

25 Thus said I in my Supplement: and now to come to Widdringtons answer, first, he chargeth me (as thou hast seene, good Reader) to haue dissembled many answers, which he made else where concerning this Canon. Secondly, he saith, that I haue neuer thelesse insinuated one of them, and answered it most coldly; and thirdly, he layeth downe his said answer with some other reason, why he thinketh it to be probable, that absolute Princes

Princes are not comprehended in that Canon. Whereto I answer, that I wonder upon what ground he could charge me with the dissimulation of his former answers, which I protest I neuer saw, untill I chanced to haue a view of this his last Treatise (I meane his Theologicall Disputation) where to is annexed the other which hee mentioneth; for truly if I had seene those answers wherof he speaketh, I would not haue passed them ouer with silence, no more then I passed Mr. Dunnes and such other, as were then come to my knowledge. And as for my cold answer, I cannot see how it could be either cold or boate, to an argument, which I had neuer seene, but how boately, and wisely he hath answered for his part, it may appeare partly by the argument it selfe, and partly by my discourse in my Supplement, which he will needes take for an answer thereto. His argument you see, is, that for as much as the Emperour Fredericke, &c.

26 But first, it is to be obserued, that those words, *Dominus temporalis*, & *Dominus Principalis*, are not well translated into English, a temporall, or principall Lord, vnderstanding the word [Lord] as it is taken by vs for a title of honour; for those words doe signifie temporall Landlords, Governours, Magistrates, or Officers, as Mayors, Iudges, Sheriffes, Bayliffes, Constables, whether they be Lords, or no, as any man of iudgement may plainly see, for that all these are *Domini temporales*, and many of them may be *Domini principales*, and I will more cleerely shew the same beneath. So also when the Councell saith, that condemned hereticks are to be left to the *Secular Potestates*, or their Bailiffes to be deservedly punished, it did not vnderstand absolute Princes, as Kings, and Emperours, but other inferiour Officers and Magistrates, as Mayors, Consuls, chiefe Iustices, Captaines, and Governours of Cities; to whom the execution of iustice is committed, as both the Italian, and French word, *Potesta*, doth signifie, and so in *Italie* the Governour of a Citie is called the *Potesta*, and also it may more cleerely appeare by the Breues, or Apostolicall letters of Pope Innocent the fourth, Alexander the fourth, and Clement the fourth cited here beneath by my Adversary (for those of Honorius the third, and Urbanus the fourth I haue not seene; neither is there any mention made of them in the *Directorio* of Inquisitors) who direct their letters to all Marquesses, Earles, Barons; and Potestates, Governours, Consuls, and Communities of Cities and other places, &c. as Pope Innocent doth; or onely to Potestates, Consells, and Communities of Cities, & other places of Italy, as Pope Alexander doth; or to Potestates, or Governours, Consuls, Captaines, Antians, Consells, and Communities of Cities, as Pope Clement doth; where it is plaine that by the word Potestates are not vnderstood so much as those Dukes of Italie, who are in some sort absolute Princes, as the Duke of Sauoy, Florence, Mantua, Parma, &c. but onely inferiour Magistrates and Officers, Retours, or Governours of Cities, and other places.

See Director.
Inquisitor. circa
finem.

27. *Secondly*, the ground, and reason, for which I affirmed, that Mr. *Fitzherbert* dissembled diuers of my answeres to the decree of the *Councell of Lateran*, was, for that I supposed he had seene the *Preface* to my *Apologeticall Answer*, wherein I discoursed at large of this decree against F. *Lesius*, and thereason why I supposed that he had seene that *Answer*, was, for that it was published to the view of the world a yeere before hee wrote his *Supplement*; and whether I might not probably suppose the same, considering what particular intelligence the *Colledge of Rome*, where then he lived, hath of all things that passe in this Kingdome, especially in things, that greatly touch the *Iesuites*, as that *Preface* doth, I remit to the iudgement of the prudent Reader. But because he now *protesteth*, that he neuer saw that *Preface*, before my *Theologicall Disputation*, whereunto it is annexed, came forth, I will beleue him therein, and take his *protestation* for an answer; and I doe willingly grant, that I was mistaken therein; as also I *protest*, that in any other thing, wherein I shall find my selfe to be mistaken, I will most willingly acknowledge the same: and if he, and the rest of my *Aduersaries*, will as willingly acknowledge their errours in all those things, wherein they doe cleerely find themselves to be mistaken, I make no doubt, but that this controuersie betwixt vs will quickly be at an end.

28. *Thirdly*, obserue good Reader, how fraudulently Mr. *Fitzherbert* hath concealed a principall clause, which of set purpose I put downe in this my argument taken from the *Constitution* of the *Emperour Fredericke*. For whereas I argued thus, as you haue seene before, that because the *Emperour Fredericke* enacting the selfe same law five yceres after, and vsing the very same words, which the *Councell* did vie, to wit, *a temporall & principall Landlord, Governour*, or also *Lord*, and not hauing a *principall Landlord, Governour*, or *Lords* & changing only spirituall penalties into temporall, neither did, nor could by those words comprehend *Kings*, or *absolute Princes*, therefore from thence it may be probably collected, that those words in the *Councell* could not *ex visua*, by force of the words, comprehend *Kings*, and *Soueraigne Princes*, who in penall lawes are not to be vnderstood vnder generall words, vnlesse they be expressed by name, Mr. *Fitzherbert* concealeth those words [*ex visua*, by force of the words] which neuertheless are very materiall to the force of my argument, as any man of iudgement may cleerely perceiue. For as you shall see beneath, for the same reason, why Mr. *Fitzherbert* affirmeth, that *Frederickes constitution* did not by those *Generall words* comprehend *Kings*, and *absolute Princes*, I also affirme, that *Kings*, and *absolute Princes* are not vnder those *generall words* comprehended in the *Decree of the Councell of Lateran*.

29. Now you shall see, how well Mr. *Fitzher.* impugneth this my argument

argument taken from the Constitution of the *Emperour Fredericke*. Widdringtons argument is, saith he, ^f that for as much as the Emperour *Fridericke* made the same Constitution five yeeres after the Councell of Lateran, almost in the same words, changing onely the spirituall penalties into temporall, therefore he did not meane to include therein either himselfe (who was free from the subiection of lawes, or else other absolute Princes, who were not subiect to him. Thus argueth he. But how doth it follow hereon, that the Canon of the Councell of Lateran did not include him, and all other Princes? For albeit they were free from all temporall lawes, yet being members of the Catholike Church, they were subiect to the lawes of that Councell, and the rather for that their Ambassadors being present there, either ratified the Decrees thereof, or at least did not contradict them. But to the end that this controversie betwixt my Adversary Widdrington and me, concerning the Emperour *Friderickes* law, may be the better understood, I thinke it not amisse to lay downe, what I have already said concerning the same in my Supplement, where I proued against *M. Iohn Dunne*, that the said law was so farre from preiudicing any way the Canon of the Councell, that it doth notably confirme it; to which purpose I said thus.

30 Thou shalt therefore vnderstand, good Reader, that *Fredericke* the second Emperour of that name, being in the beginning of his reigne an obedient child of the Church, and willing to give publike testimonie thereof to the world, thought good to imitate the example of many of his predecessours, as well in the confirmation of the liberties, and priuiledges of the Clergie, as also in employing his Imperiall authoritie in the extirpation of heresie. And forasmuch as this Councell of Lateran had then lately before promulgated diuers Canons to both those ends, he published also certaine constitutions on his part, with manifest relations to the Canons of the Councell. For whereas the Councell complained of the small charity of some Secular Princes, and Potentates, who had made lawes, and constitutions in preiudice of the Ecclesiasticall immunities, and priuiledges (which lawes also the Councell did wholly abrogate and disannull) the Emperour in like manner, in the Preface to his lawes, lamenteth of the iniquity of such Potentates, and being desirous (as hee testifieth) that the Church might enioy plena quiete, & secura libertate, full quietnesse, and secure libertie, abrogated by his first decree all such constitutions, as any Cities, Places, Consuls, or other Potentates within the Empire had made against the liberties of the Church.

31 And this he ordained vnder great penalties of infamy, banishment, and confiscation of goods, *Saluis nihilominus*, saith he, *alijs penis contra tales in generali Concilio promulgatis*; Referring neuerthelesse the other penalties promulgated against such persons in the general Councell. So hee; meaning by the generall Councell that of Lateran, which was held but a few yeeres before he made these Constitutions: and therefore

Council. Lateran. sub Innoc. 3 can. 44. & 46. Com. 4. Concil. See constitut. Frider. § Ad decus, & honorem. g The Councell did not complaine of Secular Princes but of Consuls & Rectors of cities & such like Potentates. nes Potentates, as *M. Fitzherbert* saith. Ibid. §. Nos *Fridericus* Imperator.

for

Concil. Constan.
in fin.

for as much as that most famous generall Councell having beene held so lately before, was then fresh in every mans memory, it was needlesse to name it more particularly, which had beene requisite, if hee had meant any other Councell. Besides that the Councell of Constance layeth downe the substance of the 46. Canon of the said Councell of Lateran made in favour of the liberties, and immunities of the Church, and also maketh mention of the law of Fredericke, and in relating the same setteth downe particularly the clause above mentioned, to wit, *Salvis nihilominus alijs pœnis, &c.* Reserving neuertheless the other penalties promulgated against such in the generall Councell. Whereby it is evident, that those Imperiall Constitutions of Fredericke have a speciall relation vnto the Canons of the Councell of Lateran, and that they were made in confirmation thereof.

Concil. Lateran.
can. 3. S. Credentes vero.
Constit. Freder.
S. Credentes præterea.

32 This also appeareth by the other decrees ensuing, wherein the Emperour either followed exactly the sense, meaning, and substance of some Canon of the Councell, or else vsed the very words thereof, so farre forth as they might stand with the stile and forme of an Imperiall law, as it may be seene, not onely in the fragment alleaged by Mr. Dunne, but also in divers other parts of those Constitutions, as in that, which concerneth the receivers, betters, and defenders of heretikes, being alike in the Imperiall Constitutions, and in the Canon of the Councell, to wit, *Credentes præterea, receptores, defensores, & fautores Hæreticorum, &c.* And the onely difference betwixt the one, and the other is, that the Councell saith, *Excommunicationi decreuimus subiacerere*, We decree them to be subiect to Excommunication, and the Emperour in his Constitutions saith, *Bannimus, vnde* out-law them, because it did not belong to him to excommunicate. And againe, the Councell in the end of that Canon imposeth a penalty vpon Clergie men, which the Emperour doth not in his Constitution, because they were exempt from his Iurisdiction, and in all other things the Canon and Constitution do agree word for word.

Concil. Later.
can. 3. Constitut.
Freder.

33 The like also may be observed in the Constitution and Canon, concerning such as are onely suspected of heresie, beginning both alike, to wit, *Qui autem inuenti fuerint sola suspitione notabiles, &c.* and differing onely in that the Canon exposeth them to Excommunication, if they doe not cleare themselves within a yeare, whereas the Imperiall law inflicteth the penalty of insanie, and banishment. Also the same forme and stile is kept in another Constitution, touching an oath to be taken by all Magistrates, to doe their best endeavour to exterminate heretikes; And finally, to come in the Constitution whereof wee now specially treat, it seemeth that the same is no other, then, as it were a transcript, or Copie of that Canon of the Councell, concerning the deposition of Princes, *mutatis mutandis*, I mean, except onely in such things as could not agree with the forme of an Imperiall law, or exceeded the power of a Secular Prince.

Concil. Later.
can. 3. S. Si vero Dominus,

34 Therefore whereas the Canon ordaineth, that the Metropolitan,

and other Bishops should excommunicate such Princes, as would not purge their Countreies of heresie, and afterwards also (if they remained obstinate) denounce them to the Pope, to the end hee might absolue their subiects from their allegiance, and expose their States to be taken by Catholikes, the Emperours Constitution maketh no mention of Excommunication, or Denunciation. as neither compatible with his temporall power, nor conforme to the stile of the Imperiall lawes, and therefore he saith onely instead thereof, Post annum à tempore admonitionis elapsum, &c. After a yeere past from the time of the admonition wee doe expose his land to bee taken by Catholikes, and in this onely consisteth the difference of the Canon and Constitution, for in all other things they are all one.

Constit. Freder. §. Si veto Dominus.

35 Thus I said in my Supplement, and afterwards having occasion to satisfie an obiection of Mr. Dunne, touching these words in the Emperours law, Exponimus terras illius Catholicis occupandas, We expose his Lands to be taken by Catholikes (which words Mr. Dunne vrgeth to prooue, that the Emperour tooke the authority out of the Popes hands) upon this occasion, I say, I shewed, that sine seuerall Popes, to wit, Honorius the third, Alexander the fourth, Innocentius the fourth, Urbanus the fourth and Clement the fourth; knowing right well that the said Constitution of Fredricke might greatly auayle, and helpe to purge the Empire of heresie (yea and ease them of the labour, enuy and murmuration, which might be incident sometimes to the deposition of some Prince within the Emperours Dominion) did ratifie and confirme it no lesse, then his other lawes made in fauour of the Church, which they would neuer haue done, if hee had sought thereby to take any authority from the Sea Apostolike or to preiudice the Canon of the Councell. Thus discourfed I in my Supplement.

36 Whereby it is cleere, that this Law of the Emperour Fredericke, was no way preiudiciall to the Canon of the Councell, but a notable confirmation of it, ordaining the like to be practised and executed in his Dominions in fauour of the Church, to shew his obedience thereto, and to the Councell of Lateran; and therefore whereas my Adversary Widdrington will needes perswade his Reader, that those generall words, Dominus temporalis, Dominus principalis, & non habens Dominum principalem (which are used alike in the Canon, and in the Emperours law) haue like restriction in both, he sheweth himselfe to be very absurd. For what can be more cleere, then that all lawes are limited, &c?

37 Heere you see Mr. Fitzherbert hath made a long discourse to prooue, that this law of the Emperour Fredericke was no way preiudiciall to the Canon of the Councell of Lateran, but a notable confirmation thereof, which is nothing at all against mee: For I neuer intended to deny, that this Constitution of Fredericke was against the Canon of the saide Councell, but I expressly affirmed, that it was the same law, and constitution

cor.

containing the very same wordes with that of the *Councell*, changing onely *spirituall* punishments into *temporall*: and that therefore thole wordes *Dominus temporalis*, *Dominus principalis*, a *temporall* and *principall Land-Lord*, *Gouverneur*, or *Lord*, which are vsed alike in both *Decrees*, haue though not equally, yet proportionally the like restriction, and limitation in both. For that which I affirmeis, that this great, and famous *Councell* of *Lateran*, where almost all the *Ambassadors* of *Christian Kings*, and *Princes* were present, did represent, as the *Cardinal* of *Peron* doth well obserue, *the whole Christian world*, or *Commonwealth*, as well *temporall* as *spirituall*, and was, as it were a *generall Parliament* of all *Christendome*, consisting both of *temporall*, and *spirituall* authoritie, of *temporall Princes*, and *spirituall Pastours*; and that all the lawes and decrees, which were enacted therein concerning *spirituall* matters, as is *the inflicting of spirituall Censures* for what crime soeuer either *spirituall*, or *temporall*, did proceede *meerely* from the authoritie of *spirituall Pastours*, and that all the lawes, and decrees, which were enacted concerning *temporall* matters, as is this decree, whereof now we treat, concerning *the inflicting of temporall punishments*, for what cause, crime, or end soeuer they bee inflicted, did proceede *meerely* from the authoritie of *Secular Princes*, who are the head, and fountaine of all *temporall* authoritie, and of all power to dispose of *temporall* matters: for that, as I haue prooued more at large in the *first* part of this *Treatise* by the testimonie of many learned *Catholikes*, the *Ecclesiasticall*, or *spirituall power*, doeth not by the institution of *Christ* extend to the inflicting of any *temporall punishment*, as death, exile, *privation of goods*, much lesse of *Kingdomes*, nay nor so much as *imprisonment*, but that when the *Church*, or *spirituall Pastours* doe inflict such *temporall punishments*, it proceedeth from the *positive grant*, and *priviledges* of *temporall Princes*.

38. And from this ground it evidently followeth, that not onely in this *Canon* of the *Councell* of *Lateran* concerning the *temporall* punishing of heretikes, & their abettors, but also in all other *Canons* of *Popes*, or *Councells*, when the *inflicting* of any *temporal punishment* is ordained, it is as probable that all the force, which they haue to bind, doth proceede originally fro the *positive grant*, *consent*, and *authoritie* of *temporal Princes*, as it is probable, that the *spirituall power* of the *Church* doth not by the institution of *Christ* extend to the inflicting of *temporal*, or *ciuill punishments*: and consequently, that *temporall Princes* are not by any generall wordes included in such decrees, as being themselves *supreames*, and next vnder *G o d* in *temporalls*, and not to be punished with *temporall punishments*, but by *G o d* alone. Wherefore, vnlesse my *Adversaries* doe first prooue, (which in my iudgement they will neuer be able to doe) by some *conuincing argument*, grounded vpon the authori-
tie

tie either of the Holy Scriptures, ancient Fathers, or some cleare definition of the Church, that this doctrine, which denyeth the Pope to haue by the institution of *Christ* authoritie to depose Princes, and to inflict temporall punishments, is absurd, and not probable, they spend their time in vaine, and beate about the bush to little purpose, whiles they bring neuer so many decrees, and canons of Popes or Councells, wherein the inflicting of temporall punishments is ordained, for still the maine question remaineth yet a foote, by what authoritie, to wit, temporall, or spirituall, those Canons, for as much as concerneth the inflicting of such temporall punishments, haue force to binde; and the answer of *Almaine*, and of many other Catholike Doctours will bee still readie at hand, that the Pope by the institution of *Christ* hath onely authoritie to inflict spirituall punishments, as Excommunication, Suspension, Interdict, and that the other punishments, which hee vseth, doe proceede from the pure positieue law, authoritie, grant, and priuiledges of temporall Princes, and that therefore the lawes, or Canons of spirituall Pastours enacting them cannot bind, or comprehend temporall Princes themselues.

39 And by this the Reader may cleerely see both the ground, and reason, from whence I deduced probably, that *absolute Princes* are not included vnder any generall words whatsoever in penall lawes, and canons of the Church, wherein temporall penalties are inflicted (for neither are they included, as you shall see beneath in the next Chap. in penall lawes, wherein spirituall punishments are inflicted, vnder generall words, or names, which denote titles of inferiour degree, place, and dignitie, as are *Dominus temporalis*, *Dominus Principalis*, a temporall, or principall Land-Lord, Gouvernour, or also Lord, and such like) and also how weakely, not to vse Mr. *Fitzherberts* foule word, absurdly, he prooueth, that I shew my selfe to bee very absurd in perswading the Reader, that those words, *Dominus temporalis*, *Dominus principalis*, a temporall, or principall Land-lord, Gouvernour, or Lord, which are vsed alike in the Canon, and in the Emperours law, haue like restriction, though not equally, yet proportionally in both. For what can be more cleare, saith he, ^h then that all Lawes are limited according to the power of the Prince, who maketh them, and that therefore the obligation of enery Princes Lawes is extended only to his owne subiects? whereupon it followeth necessarily, that albeit the Canons of Generall Councells, being made in generall tearmes, do comprehend all Christian men, as well absolute Princes as others (because they are all subiect thereto) yet the Lawes of temporall Princes being made in the like, or in the same generall tearmes, can comprehend none but their owne subiects: and this being so, what an absurd argument hath Widdrington made, who because the words are all one in the Canon of the Councell, and the Law of the Emperour, will restraints the sense of the Canon to the

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limits of the Emperours temporall power, which could not exceede his owne Dominion?

40 And therefore though the words, *Dominus temporalis, or principalis, or non habens Dominum principalem*, be generall in his Law, yet they can bee vnderstood of none, but such as being his subiects, held their Lands, or states of him, or of some other in his Dominions (in which respect Kings, and other temporall Princes, which held not of the Empire, could not be comprhended therein) though the same generall words in the Canon must needs comprehend, as well all Emperours, Kings, and absolute Princes, as other inferiour Lords, because all of them being *Domini temporales*, are subiect alike to the decrees of a generall Councell.

41 True it is, that nothing is more cleere, then that all Lawes are limited according to the power of the Prince that maketh them, and that therefore the obligation of every Princes lawes is extended onely to his owne subiects. Whereupon it followeth necessarily, that albeit the Canons of Generall Councells, being made in generall termes, may comprehend all Christian men, as well absolute Princes, as others, for as much as concerne spirituall matters, and the inflicting of spirituall punishments, because in these all Christians are subiect thereto, yet considering that it is probable, that Christian Princes in temporall matters, and for as much as concerneth the inflicting of temporall punishments, are not subiect to the spirituall power of the Church, it is also probable, that the Canons of Popes, or Councells made in generall tearmes concerning temporall affaires, as are the inflicting of temporall punishments, cannot comprehend temporall Princes, who in these are absolute, and supreme, and not subiect to the spirituall power of the Church, which as I haue shewed before, doeth extend to the inflicting onely of spirituall punishments. Which being so, the Reader may cleerely perceiue, that the argument I brought from the Emperours constitution is not absurd, but very probable, and that the absurditie, which his foule mouth so often casteth vpon mee, falleth vpon himselfe. For that, which I in bringing that argument intended to affirme, was this, that for the same reason, for which those generall words, *Dominus temporalis, Dominus principalis, or non habens Dominum principalem* did not in the decree of Frederike comprehend either himselfe, who was not subiect to his owne law at leastwise as it is coerciue, or absolute Princes, for that they were not subiect to him at all, the same generall wordes in the Canon of the Councell, for as much as concerneth the inflicting of temporall punishments, doe not comprehend absolute Princes, for that they are subiect to the authoritie of the Church onely in Spirituall matters, and not in temporall, as are the inflicting of temporall punishments.

42 Wherefore I doe not restraine the sense of the Canon to the limits

limits of the *Emperours* temporall power, as *Mr. Fitzherbert* very grosse-ly imposeth vpon mee, but I restraine the sense of the *Canon* thus, that if all *Christian Princes* had made the like law, and in the same forme of words, as *Frederike* did, then I say, that all these lawes had beene a cleare confirmation of the sense and meaning of the *Canon* of the aforesaid Councell, and that those generall wordes, *Dominus temporalis, Dominus principalis*, and non habens *Dominum principalem* in all these lawes together made by all *Christian Princes*, had signified the selfe same persons, and no others, then now they signifie in the decree of the Councell. For that, which I contend, is, that it is probable, that this *Canon*, forasmuch as concerneth the inflicting of temporall punishments, was made by the Councell, not as it had spirituall, but onely as it had temporall authoritie, or, which is all one, not by vertue of the spirituall power of the Church, but by the authoritie, and consent of all temporall Princes, whose Ambassadors were present thereat, because it is probable, as I haue shewed aboue out of many learned Catholikes, that the spirituall power of the Church doeth not extend to the inflicting of temporall punishments, but onely of spirituall. Whereby it is euident, that albeit *Emperours, Kings*, and all other absolute Princes, and inferior Lords are subiect alike to the decrees of Generall Councells, yea and of *Provinciall Councells* held in their owne kingdomes in matters spirituall, yet they are not subiect alike to the Decrees of generall Councells, wherein temporall matters, as are the inflicting of temporall punishments, are decreed, for that these decrees are made by the authority, and consent of absolute Princes, to whom onely all other inferiour persons are subiect in temporall affaires. And heereby all that, which *Mr. Fitzherbert* addeth in the rest of this Chapter is already satisfied.

43 So as you see, saith hee, ⁱ what probable arguments *Widdrington* giveth vs, whiles neuertheless nothing will satisfie him from vs, but demonstrations: and therefore whereas I signified all this in effect in my Supplement, hee taketh no formall notice of it, but onely as it were glanceth at it in a word, or two, saying, as you haue heard before, *Dicere Imperatorem*, &c. To say, that the *Emperour* did not include *Kings* in those wordes of his law, and that the *Pope* did meane to doe it in the *Canon*, is to say so, but not to demonstrate. So hee; requiring, as you see, a demonstration of this point, and craftily concealing, and dissembling the reason that I gaue for my assertion, in my Supplement, as if I had giuen none at all, but onely had barely said, that *Dominus temporalis* in the *Emperours* law, is not to be understood of *Kings*, as it is to be taken in the *Canon*; whereas, you see, the reasons, which I haue giuen of the difference of the one, and the other (being grounded vpon the different power of the Generall Councell, and the *Emperour*) is so pregnant, and cleare, that it may serue for a demonstration to any Catholike man of iudgement.

44 For I thinke it is not more cleare to any such, that two and two make foure, then that Dominus temporalis is a generall tearme, including absolute Princes, as well as other Lords, and that they are included in those words of the Canon, because they being members of Christs Church, are as subiect to a generall Councell, as the meanest temporall Lord in Christendome: As also it is no lesse cleare, that Dominus temporalis, in the Emperours constitution can be extended no further then to such temporall Lords as were some way subiect to him, which my Aduersary himselfe acknowledgeth, albeit he absurdly denieth, that the same words in the Canon are to be understood of Kings.

45 But first, whether my arguments and answeres bee probable or no, and whether that foule aspersiō of absurditie, wherewith Mr. Furbert so often chargeth me, doth fall vpon his owne arguments, and answeres, or vpon mine, I must remit to the iudgement of the learned Reader. Secondly, no learned man can denie, but that to prooue any doctrine to be certaine, and of faith, it is necessary to bring demonstrations, and conuincing proofes, and that to prooue any doctrine to be probable, and the contrary not to be certaine, nor of faith, it sufficeth to bring onely probable arguments, and answeres: and therefore it is no maruaile, that I expect at my Adversaries hands cleare demonstrations, and inuincible proofes, seeing that they take vpon them to prooue their doctrine to be certaine, and of faith, whereas it sufficeth for mee that onely take vpon me at this time to shew their doctrine not to be certaine, and of faith, to bring probable arguments, and answeres.

46 Thirdly, it is not true, that I haue craftily concealed and disguised the reason, that he gaue in his Supplement, why the words Dominus temporalis, should in the Canon of the Councell comprehend absolute Princes, and not in the Emperours constitution. For all that he laboureth, as you haue seene, to prooue in his Supplement. is that the Emperours constitution is no way preiudiciall to the Canon of the Councell, but a cleare confirmation thereof, which I neuer denied, and that the Emperours law could extend no further then to his owne subiects, and that the Emperour himselfe, and all Soueraigne Princes, are vnder the iurisdiction of a generall Councell, and subiect to her decrees, whereof also no man maketh doubt, if those decrees concerne spirituall affaires, but if they concerne meere temporall matters, wherein temporall Princes are supreme, and not subiect to the iurisdiction of the Church, as are the inflicting of temporall punishments, for what cause, crime, or end soeuer they be inflicted, the whole drift of my Apologie was to prooue it to be probable, that the spirituall authority and iurisdiction of the Church doth not extend to the inflicting of temporall punishments, for any cause, crime, or end whatsoeuer, and consequently that the inflicting of such temporall punishments, although it be for a spirituall end, is a meere temporall

porall matter, wherein temporall *Princes* are supream, and subiect to none but God. Which being so, I had no reason to take any formall notice in that brieft *Admonition* of all the idle discourses hee made in his *Supplement*, and which either were nothing at all against mee, or might easily be satisified by that I had said before in my *Apologie*. But Mr. *Fitzherbert* doth shamefully corrupt my words, and meaning, and fowlely abuse me, and his *Reader*, in affirming, as you haue scene, that I doe restraine the sense of the *Canon* to the limits of the *Emperours* temporall power, which could not exceede his owne dominion, whereas I made no such restraint, but extended the sense of the *Canon*, to the Dominions of all Christian *Princes*, by whose consent and authority that *Canon*, for as much as it concerneth the inflicting of temporall punishments, was made, and had force to binde.

47 Neither, as I said, doth the reason which Mr. *Fitzherbert* bringeth concerning the distinction of the *Canon*, and of the *Emperours* decree in extension, any way impugne, but confirme the argument I brought from the *Emperours* law, because of the same reason which Mr. *Fitzherbert* alleageth, why those generall words *Dominus temporalis*, or *principalis*, cannot in the *Emperours* decree comprehend absolute *Princes*, for that they are not subiect to him in temporals, I also affirme, that the same generall words cannot in the *Canon* comprehend absolute *Princes*, for that they are not subiect to the Pope, or *Church* in temporals, as is the inflicting of temporall punishments, to which, as I haue often said, the spirituall power of the *Church* doth not extend. And if my *Adversary* cannot bring more cleare and pregnant demonstrations then these to confirme his new *Catholike* faith, hee neede not to walle any more time and labour, in producing such cleare and pregnant demonstrations, which euery *Catholicke* man of iudgement may clearly see to bee apparant sophismes, and that notwithstanding all his vaine brags of his cleare and pregnant demonstrations, and of my absurd arguments and answers so often repeated by him, in the end the *Reader* will see, that *Parturiunt montes, nascetur ridiculus mus*.

48 And although it be cleare enough that *Dominus temporalis* is a generall tearme including absolute *Princes* as well as other *Lords*, yea, and *Masters*; yet because it is cleare that *Dominus temporalis* is not a proper tearme or title belonging to absolute *Princes*, but common to all others of inferiour degree, if any man should speake of them, and giue them onely the titles of their *Masterships*, *Worships*, or *Lordships*, he would both be accounted a rude and vnmanly companion, and also he should wrong those persons, in giuing them onely those titles of *worship* or *honour*, which are common to other persons of inferior rank; neither he, that should onely vse such inferiour titles, would be thought to speake of absolute *Princes*, vnlesse some other circumstance should

enforce vs to thinke the same. And although it be also cleare, that absolute *Princes* are subiect no lesse then the meanest *Lord* in Christendome, to the decrees of a generall *Councell*, which concerne spirituall matters, yet because in meere temporall matters they are *supreme*, and therein not subiect to any decree of *Pope*, or *Councell* & it is also *probable*, that the inflicting of temporall punishments is a meere temporall matter, and not belonging to the spirituall power of the *Church*, it is also *probable*, and no way *absurd*, to say that *Dominus temporalis* in the Canon of the *Councell*, wherein the inflicting of temporall punishments is decreed, is not to be vnderstood of absolute *Princes*, for the same reason that in the *Emperours* constitution, it is not extended to them, but to such onely as were subiect to him in temporals.

k Pag. 147.
num. 19.

49 But perhaps Widdrington will say, saith Mr. Fitzherbert, ^k that he hath added another reason to fortifie the same, which was (as you have heard before) that Kings, and absolute *Princes*, are not included in penall lawes, except they be specified therein by the names of *Princes* for so indeed he saith, inserting the same cunningly into his inference, to make his argument (grounded on the *Emperours* law, to seeme the more probable; and therefore hauing said that the *Emperour* could not vnderstand either himselfe, or other absolute *Princes*, by the name of one who hath no principall *Lord*, he concludeth, ex quo probabiliter collegi, &c. Whereupon I gathered probably, that those words, Non habens Dominum principalem, not hauing a principall Landlord, or *Lord*, could not comprehend absolute *Princes*, who are not to be vnderstood as included in penall lawes, except they be namely exprest. Thus he sliding subtilly as you see, from the *Emperours* law, and the reason grounded thereon, to the priuiledge of *Princes*, which belongeth to another question, and shall be fully debated, and cleared, as I hope in the next Chapter: And in the meane time I conclude for the present, that in all this hee hath shewed himselfe very *absurd*, and that my cold answer, as he tearmeth it, would haue beene hate enough to dissolve his frozen and frivolous argument, if he had not wholly dissembled the force and substance of my discourse in my Supplement concerning this point.

50 It is very true, that I haue in that briefe *Admonition* also another reason, why absolute *Princes* are not included in the Canon of the *Councell* vnder those generall names, *Dominus temporalis*, *Dominus principalis*, or such like, to wit, for that in penall lawes they are not comprehended vnder such generall termes, which denote titles of inferior degree and dignity: and in bringing this reason I vsed no craft or cunning, but meant plainly and sincerely, neither did I intend to slide cunningly and subtilly, as Mr. Fitzherbert would guilefully perswade his Reader, from the *Emperours* law, and reason grounded thereon, to this reason: for that the reason why in the *Emperours* law absolute *Princes* are not comprehended vnder those generall names of *Dominus temporalis*,

temporalis, *Dominus principalis*, is the chiefe and principall ground I stand vpon, why they are not also included vnder those *generall words* in the *Canon* of the *Councell*, as you haue seene before. Neuerthelesse there is this difference betwixt these two reasons, that this *later* reason, whereof we shal treat more at large in the next Chapter, only sheweth, why absolute *Princes* are not in *penall lawes* of the *Church* comprehended vnder such *generall words*, which denote names, and titles of inferiour place and dignitie, but the *first* reason grounded vpon the *Emperours* law, doth also prooue that absolute *Princes* cannot, vnder any *generall tearmes* whatsoever, bee included in any *Canons* of *Popes* or *Councells*, wherein the inflicting of temporall punishments is decreed: For to deny, that absolute *Princes* are not vnder any *generall words* comprehended in such *Decrees*, is no more absurd, then to deny, that the spirituall power of the *Church* doth not extend to the inflicting of temporall punishments, which doctrine for that my *Aduersary* will neuer be able to prooue *absurd*, he might well haue spared to vie such *absurd tearmes*, wherewith he doth so often defile his religious mouth, and which, as you haue seene, doe more fitly agree to his owne arguments and answeres, and to the whole discourse he hath made in his *Supplement* concerning this point, if he thereby intend to confute the aforesaid answer I gaue to the *decree* of the *Councell*, and the reason thereof grounded vpon the like *decree* of the *Emperour*.

CHAP. X.

wherein Widdringtons second answer to the Decree of the Lateran Councell, affirming that absolute Princes are not comprehended therein, because they are not mentioned by their proper names, but by inferiour titles, is prooued to bee neither improbable nor absurd, but conforme to the doctrine of learned Diuines and Lawyers, and Mr. Fitzherberts exceptions against the said answer are shewed to be very insufficient and fraudulent.

YOU haue seene, *Courteous Reader*, how weakely Mr. *Fitzherbert* hath in the former Chapter impugned the answer I gaue to the *decree* of the *Lateran Councell*, and the reason thereof grounded vpon the like *Constitution* of the *Emperour Fredricke*; now you shall see, how insufficiently also he impugneth in this Chapter the other reason, which I brought to prooue, that those *generall*

words, *Dominus temporalis, Dominus principalis, a temporall, or principall Landlord, Gouverneur, or also Lord*, doe not in the Canon of the Councell comprehend absolute Princes. Thus therefore he beginneth this Chapter.

2 You haue heard in the last Chapter, how my Adversary Widdington teacheth, that the Canon of the Councell of Lateran concerning the deposition of temporall Lords, doth not comprehend Kinges, and absolute Princes, because they are not namely specified therein, *Qui, saith he, nisi nominatim exprimantur in legibus pœnalibus intelligendi non sunt*; Who are not to be understood as included in penall lawes, except they be expressed by name. *So he*; which he also more amply affirmeth in the Preface to his Apologetical answer (where to he remitteth me, and his Readers) for there he seemeth to ground his opinion in this point, upon the rules of the lawes, saying, that Secular Princes are not signified in penall Lawes, vnder the generall names of Lords, *Magistrates*, and temporall Judges, *iuxta regulas Jurisprudentium*, according to the rules of the Lawyers: whereto he addeth also for examples sake, that an Abbot is not comprehended in the penall Lawes vnder the name of a Monke, nor a Bishop vnder the name of a Priest, nor the Pope vnder the name of a Bishop, because, *saith he*, in pœnis benignior pars est eligenda, & odia restringi, fauores conuenit ampliari, The more benigne or wilde part is to be chosen in penalties, and it is conuenient that odious things be restrained, and fauours amplified or enlarged, So he.

3 Whereto I answer, that whereas he saith, that Princes are not comprehended in penall Lawes except they be specified by the name of Princes, I say first, that if this were true, this absurdity would follow thereof, that absolute Princes should be exempted from diuers Lawes and Canons, wherein all the world hath hitherto held them to be included, as from the Canon of the Councell of Lateran, ordaining, that *Omnis vtriusq; sexus fidelis, &c.* Euery Christian of both sexes shall confesse, and communicate at Easter, vpon paine of Excommunication, and want of Christian buriall; as also from the Bulla in cena Domini, and from the Canon, *Si quis suadente*, forbidding the laying of violent hands vpon Clergie-men, and diuers other generall constitutions, from the which they were neuer yet exempted in the opinion of a man.

But if Mr. Fitzherbert had not meant to cauill, and to rake euery idle occasion to carpe at my wordes without cause, hee might easily haue seene by those wordes of mine, which heere hee citeth out of my Apologeticall Preface, and to which in my Admonition I remitted the Reader, that when I affirmed, that absolute Princes are not understood to be comprehended in penall lawes, vnlesse they be expressed by name, my meaning was, that they are not understood to bee comprehended in penall lawes vnder those generall names of *Dominus temporalis, Dominus principalis*, of Lords, *Magistrates*, Judges, Land-lords, and such like generall names;

Widdington
Apolog. Respōs.
Præfat. m. 44.

Concil. Later.
4. can. 21.

Caus. 17. q. 4.

names, which denote some inferiour office, dignitie, or honour, but they must be exprest by the *names* of the honour and dignitie, which are proper to them, as an *Abbot* is not comprehended vnder the name of a *Monke*, nor a *Bishop* vnder the name of a *Priest*, nor the *Pope* vnder the name of a *Bishop*. For to affirme that absolute *Princes*, as likewise *Abbots* and *Bishops*, are not comprehended in *penall lawes* enacted by the Church, vnder no generall names, although they denote no peculiar office, honour, dignity, or function, by which some persons are distinguished from others, had beene indeede somewhat absurd. And so these *Canons* heere alledged by Mr. *Fitzherbert*. *Omnis vtriusque sexus*, &c. *Si quis suadente diabolo*, &c. and out of the *Bull* in *cæna Domini*, or such like are nothing to the purpose, for that they are not such generall names, which denote any peculiar office, honour, dignity or function, by which some men are distinguished from others, and therefore this my *Adversaries* first Answer is nothing at all against my doctrine.

5 Secondly, I say, saith Mr. *Fitzherbert*, ^a that *Widdrington* might have done well to haue told vs, or at least quoted in his margin (as he doth ^a pag. 150. no. 3. in what Lawyers we may finde that priuiledge or exemption of Princes whereof he speaketh; for sure I am, that they who write of Princes make no mention thereof, as may be seene in *Restaurus Castaldus*, who setteth downe above a hundred priuiledges of the Emperour, and yet doth not mention any such.

Restaur. Castald. q. 110. de Imper.

6 But first the Reader may easily perceiue, that the reason which I brought, why absolute *Princes* are not in *penall lawes*, and odious matters comprehended vnder the generall names, of *temporall Land-lords*, *Gouernours*, *Iudges*, *Lords*, or such like, was not grounded vpon any peculiar priuiledge proper to absolute *Princes*, for the like I affirmed of a *Bishop* and an *Abbot*, but vpon the knowne rules of the law which there I cited, and vpon the authority of learned Lawyers: and therefore Mr. *Fitzherbert* might haue saued his labour in seeking out of *Restaurus Castaldus*, or others any such priuiledge peculiar to absolute *Princes*. Neither also did I affirme, that all Lawyers are of opinion, that in *penall lawes*, and odious matters an *Abbot* is not comprehended vnder the name of a *Monke*, nor a *Bishop* vnder the name of a *Priest* or *Clarke*, nor an absolute *Prince* vnder the name of a *temporall Land-lord*, *Gouernour*, *Iudge*, or *Lord*, but that some Lawyers are of this opinion: and this is enough to prooue it to be probable, that in the *Canon* of the *Lateran Councell*, *Emperours*, *Kings*, and absolute *Princes* are not comprehended vnder those generall wordes of a *temporall* or *principall Land-lord*, *Gouernour*, *Iudge*, or *Lord*. Wherefore although the opinion of *Hofstiensis* (of whom I will speake beneath) or of any other Lawyer, or *Diuine* whatsoever be expressly against this doctrine, it is nothing

thing to the purpose, except it be also against the opinion of all *Lawyers* and *Dinines*.

Armilla verbo
Abbas nu. 11.

Armilla verbo
Clericus nu. 2.

Armilla verbo
Sacerdos nu. 1

Felinus cap.
ult. de simonia.

Sayrus tom. 1.
lib. 3. cap. 33.

7 Secondly therefore, that M. Fitzherbert may also see, that I have not inuented this doctrine of my owne head, I will now for prooofe of the same relate some Catholike Authors, whom then I omitted to rehearse, for that I thought it so manifest, that no man of any reading would make doubt thereof. *An Abbot*, saith *Bartholomaeus Fumus* in his *Armilla aurea*, in an odious matter is not comprehended by the name of *Monkes*, although he be in a fauourable matter, according to the *Doctour* in cap. finali de *Simonia*. And againe, by the name of *Clearkes*, saith hee, in a fauourable matter are vnderstood all that haue any *Clearly* dignity, but in an odious matter vnder the name of a *Clerke* are not comprehended *Bishops*, no *Canons*, nor others placed in dignity, nor *Monkes*, nor *Religious* men that are exempted. Vide *Panormit*. in cap. *bona memoria* de postula. *Prælatorum*. And againe, by the name of a *Priest*, saith he, in a fauourable matter are vnderstood not onely *Presbyters*, but also *Deacons* and *Subdeacons*, but in an odious matter onely *Presbyters*, and not therefore *Bishops* are to bee vnderstood; arg. cap. *si quisque de cohab. Cleric. & mulierum*, where *Panormitan* obserueth the same. Thus writeth *Armilla*.

8 The like hath *Felinus cap. ult. de Simonia §. prima conclusio*. By the name of *Monkes*, saith he, *Abbots* are vnderstood in a fauourable matter, but this conclusion is not true in an odious matter; and for the same hee citeth *Panormitan*, *Pope Innocent*, and others. And a little before out of diuers textes of the *Canon Law* he deduceth this general rule, *Quæ species aliquid addit generi, nunquam appellatione generis venit species*. Whensoever the particular doth adde something to the generall, the particular is not to be comprehended vnder the name of the generall, which is the same in sense with that rule, which he afterwards relateth out of *Antonin* de *Butrio*, that in penall things the mixt, or compound, is not comprehended vnder the simple; which rules *Felinus* limiteth thus, vnlesse the punishment, or odious matter doth tend principally to fauour the soule, but how to know this for certaine, it is very heard, as you shall see beneath.

9 The like teacheth our learned Countreyman, *Gregorius Sayrus* expounding the *Canon*, *Vi periculosa*. Ne Clerici, vel Monachi lib. 6. Wherein are excommunicated all Religious men, who got to any Schooles of learning, vnlesse they haue first license graunted them by their Prelate with the aduise of the greater part of the Conuent. *An Abbot*, saith he, going to Schooles without the license of his Superiour, and Conuent, doth not incurr this punishment, according to *Archidiaconus*, *Geminianus*, *Angelus*, *Antoninus*, and *Nauarrus* in the places aboue cited, because it is a penall constitution, and therefore rather to be restrained, then extended. The same hath *Nauarre* vpon cap. finali de *Simonia*.

From

From the aforesaid it is also, saith he, inferred, that the disposition, or constitution, which speaketh of a Monke, doth not comprehend an Abbot if the matter be not favourable, as Doctors here vpon this Canon do seeme to be of opinion.

10 And Syluester treating of the Canon in Clement. Vnica de vsuris, wherein are excommunicated, *quicumque communiatum ipsarum Potestates, Capitanei, Rectores, &c.* All Potestaes of Communities themselves, Captaines, Rectours, or Gouernours, Consuls, Iudges, Counsellors, or any other Officiall, or Officer, who doe make, write, or dictate Constitutions, that vsurers are to bee paid, or being paid are not to be restored, &c. affirmeth, that because this is a penall constitution, consequently it is not extended to persons, that are not expresse, or which is all one, expresse named therein; and he proueth this by that rule of the Law, in Sexto, *In penalties the milder part is to be chosen.* Moreouer Pope Innocent the third himselfe, vnder whom this Council of Lateran was held, doth expressly decree, that when in his Commissions, persons of lesse worth, & more base are onely signified, persons of greater worth, and dignitie are not understood to be included in a generall clause. Now what man of iudgement can make any doubt, but that *Dominus temporalis*, is a person of lesse worth, honour, and dignitie, then *Dominus principalis*, who in the Canon is distinguished from *Dominus temporalis*, and both of them are persons of lesse worth, honour, and authoritie, then are *Dominus supremi*, as are Emperours, Kings, and absolute Princes. And therefore these generall words, *Dominus temporalis*, *Dominus principalis*, being names of lesse worth and dignitie, then are *Dominus supremi*, must not according to Pope Innocent his owne rule, comprehend Emperours, Kings, and absolute Princes, who are the most worthy, most noble, and most principall Lords, and persons vpon earth.

11 But wee will conclude this point with so plaine and manifest an authoritie, that my *Aduersarie* both in respect of the Authour, and also of his words being so cleere, can take against it no colourable exception. Lastly therefore, *Andreas Duallius*, a famous Doctour of Paris, and at this present the Kings Publike professour of Diuinitie, and also a man otherwise much fauouring the Popes temporall authoritie ouer absolute Princes, and his spirituall authoritie ouer a generall Council, contrary to the custome of that renowned Vniuersitie, writeth thus: *Notum est nomine Clericorum, &c.* It is manifest, that in an odious matter Bishops are not comprehended vnder the name of Clerkes, nor sometimes in the same matter Religious men vnder the name of Monkes, neque similiter nomine *Dominorum Reges*, nor likewise Kings vnder the name of Landlords, Gouernours, or Lords, in regard of the height, and Maiestie of Kingly dignitie. I will say more, that perchance in an odious matter the King of France in regard of the singular prerogatiues, wherein he excelleth other Kings, is not comprehended vnder the name of Kings. Thus *D. Duall.*

Nauar. tom. 2.
Comment. in
cap. finali. de
Simonia nu. 5.

Siluest. verbo.
Excommunicatio 19. nu.
82. §. quadragessima tertia.

In can. Sedes
Apostolica
de Rescriptis.

Andr. Duall.
de Suprema
Rom Pont.
in Ecclesiam
potestate. part.
2. q. 4. p. 164.

12 And by this the iudicious Reader may cleere perceiue both what censure my ignorant *Aduersary* deserueth both in branding this doctrine with the temerarious note of *absurditie*, and also that from hence it followeth evidently, that the answer, which I gaue to the decree of the *Lateran Councell* is not *absurd* or *improbable*; For all this may be not onely a *probable perswasion*, but also a *manifest demonstration* to any *Catholike* man of iudgement, that in the foresaid Canon, wherein temporall penalties are inflicted, *Emperours, Kings, and absolute Princes*, are not included in those generall names of *Dominus temporalis*, and *Dominus principalis*, a temporall and principall Land-lord, Governour, or Lord, which denote titles of honour, office, or dignitie, farre inferiour to the height, and Maiestie of *Kingly Soueraingtie*, and that therfore no conuincing, or demonstratiue argument can be brought from this Canon, to prouoe that the *Pope* hath authoritie to depose absolute *Princes*, who according to the doctrine of so many learned men, and also the decree of *Pope Innocent* himselfe, are not in penall lawes, and odious matters comprehended vnder generall words, which denote titles of inferiour worth, honour, or dignitie. Wherefore although it bee needlesse, the premises considered, to make any further answer to the rest of my *Aduersaries* discourse in this Chapter, yet for better satisfaction of the studious Reader, I will set downe, what weake obiections he continueth still to vrge.

b Pag. 150.
nn. 3. 4.

Hostiens. in
Sum. tit. de he-
reticis §. qua
pena. nn. 9.

24. q. 1. Qui
contra Ecclesie
pacem.

13 Besides that, saith Mr. Fitzher. b I finde the opinion of Lawyers expressly contrary thereto. For whereas the famous Canonist, and Card. Hostienlis (who wrote about 300. yeeres agoe) saith, that Deponitur hæreticus, &c. an heretike is deposed from all dignitie, whether he be a Clerke, or a Lay-man, Pope, Emperour, or any inferiour: he alledgeth for the same three Lawes, whereof the second, and the third doe directly proue our intent. For the second is an ancient Decree of Liberius the Pope, wherein he ordained, that, Qui contra Ecclesie pacem sunt, &c. They who are against the peace of the Church, if they haue any dignitie, or the militarie girdle, let them be depriued of it; if they bee priuate men, and yet nobly borne, let them forfeit all their substance, or goods, but if they bee ignoble, or base people, let them bee not onely whipped, but also banished: which I wish my *Aduersary* Widdrington well to note for two respects, the one, for albeit he seemeth to admit the authority of the Ecclesiasticall Canons, yet he denieth often, as you haue heard, that the Church can inflict any corporall and temporall punishment, which he may see was ordained by this ancient Decree, admitted, and set downe in the body of the Canon law, besides many other cleare Canons and Decrees to the same purpose. The other, because he saith that Princes are not included in penall lawes, if they be not specified by the name of Princes, whereas neuerthelesse he may see, that this ancient Canonist Hostienlis includeth them in this Decree, though the

scarcely

tearmes thereof are very generall, without any particular mention of Princes.

14 But first, what *Cardinall Hostiensis*, a man wholly addicted to the aduancing of the *Popes* temporall Monarchy, and his authority in temporals ouer absolute Princes, not only indirectly, but also directly, or any other *Canonist*, *Ciuill Lawyer*, or *Diuine* affirmeth concerning this point, is little to our purpose, considering that other *Diuines* and *Lawyers* are contrary to him heerein. And therefore it is not sufficient for *Mr. Fitzherbert* to bring the testimony onely of *Hostiensis*, or of many other *Doctours* ioyned together with him, to prooue my afore-said doctrine to be *improbable*, but it is necessary for him to bring conuincing proofes, and he must also shew, that no other approoued *Authors* moued with probable grounds, doe maintaine the same.

15 Secondly, obserue, good Reader, what kind of conuincing proofes this man bringeth out of *Hostiensis*, and how grossly thou art abused through the manifest fraud, or ignorance of this my vnlearned *Aduersarie*. For first this Decree of *Pope Liberius*, admitted, as hee saith, and set downe in the bodie of the *Canon law*, is not authentically, but of a suspected credit, whereof also *Mr. Fitzherbert* could not haue bene ignorant, if he had read in the *Councells* set out by *Binnius* the whole Decree, which is taken out of a *Decretall Epistle*, which is pretended to haue bene written by *Pope Liberius* to *S. Athanasius*, which *Epistle Binnius* himselfe calleth in question. The *Consulls*, saith *Binnius*, which are added to this *Epistle*, to wit, *Aclepius*, and *Deodatus*, doe shew it to be of a suspected credit, for I could neuer find their names to be in othr places subscribed to deedes, writings, or Calender booke.

*Binnius tom. 1
Concil. pag. 470
in fine Epistole
13. Liberij.*

16 Secondly, if *Mr. Fitzherbert* had related the words immediately going before that, which heere he citeth out of the *Canon*, and wisheth me to note well for two respects, the Reader would presently haue perceived his fraude, or ignorance, and that from this *Canon* no argument at all can be brought to prooue, that the *Pope* hath authoritie to inflict temporall penalties, but rather that temporall *Kings* haue authoritie to inflict spirituall punishments. For the entire words of this *Canon*, as it is set downe by *Binnius*, are these: *Whosoeuer shall presume to transgresse these things, first let them be subiect to the terrible iudgement of Almighty God, Deinde autem qualem cunque Regalem indignationem reuerentur, per quam si Episcopi, &c. and afterwards let them reuerence or feare all Regall indignation, by which if they be Bishops, or Cleargie men let them fall, or be deprived, wholly from the order of their Priesthood, or Cleargie, but if they be Monkes, let them be separated from their places; but if they be in dignitie, or haue the militarie girdle, let them be deprived thereof, but if they be priuate men, yet noble, let them forfeit all their substance, or goods; but if they be ignoble, let them not onely be whipped, but also perpetually banished.*

*Binnius ubi
supra.*

shed, that all men being repressed by the feare of God, and fearing deserved punishments threatned against them, may keepe immoueable, and without perturbation the peace of the holy Churches of God. Given the eight Calends of Iune, Asclepius, and Deodatus most excellent men being Consuls.

17 Now what will Mr. Fitzherbert say to this ancient decree of Pope *Liberius*, which hee wilheth mee well to note, wherein it is decreed, that *Bishops*, if they perturbethe peace of the Church, shall be deprived of their Priesthood by Regall or Kingly indignation? For that secular men being placed in dignity, may be deprived of their honour and dignity, and if they be priuate men, yet noble, may forfeit all their goods, and if they be ignoble, may be whipped, or perpetually banished by Regall or Kingly power, or indignation, which this Canon also, of what credit soeuer it be, doth ordaine, is not any way repugnant to my doctrine. Thus thou seest, good Reader, how grossly thou art abused through the fraud or ignorance of this vnlearned man, who neuertheles presumeth to direct thy soule, and conscience in this so high and dangerous a point of thy allegiance due to God and man, wherein he cleerely sheweth himselfe to haue so little skill.

18 Thirdly, in what sense I affirmed that *Kings* and absolute *Princes* are not included in penall lawes vnder generall words, vnlesse they be expressed by name; for which respect also Mr. Fitzherbert wilheth me to note well this Canon of Pope *Liberius*, I haue declared before, to wit, that they are not in such lawes comprehended vnder generall words, which denote some inferiour office or title of honour, for I neuer intended to denie, as this man imposeth vpon me, that they are not included in any generall words, except they be specified by the name of *Princes*, if such generall words denote no inferiour office, or title of honour. So that neither *Hosiensis*, for as much as concerneth this Canon of *Liberius*, contradicteth my doctrine, because those generall words, *Qui contrapacem Ecclesie, They who are against the peace of the Church*, do denote no inferiour office, or title of honour, and although he were against my doctrine, it is too little to the purpose, seeing that other *Lawyers* and *Divines* doe contradict him herein, and moreover this Canon cited by *Hosiensis*, is neither authenticall, and of sufficient credit, nor any way gaine-saith that, which I affirme concerning this poynt.

19 Now you shall see the third testimony, which Mr. Fitzherbert bringeth out of *Hosiensis*. And this, saith he, will be much more cleare by the third testimony, cited out of the Canon law by *Hosiensis*, which beeth taketh out of the title de hæreticis, wherein there is no particular mention of absolute *Princes*, by the name of *Princes*. neither is there any other Decree concerning their deposition, but onely this Canon of the Councell of *Lan-*

Page 151. m. 5.

Decret. lib. 5.
tit. 7. de Hære-
ticis.

teran

teran now in question: so as Widdrington may see, not onely that Kings, and absolute Princes haue no such exemption from penall Lawes, as he pretendeth, but also that they are included in the generall tearmes euen of this Canon of the Councell of Lateran, in the opinion of a famous Canonist, who wrote not past fiftie yeares after the said Councell. And if he say that they haue had this exemption, or priuiledge since that time, let him shew vs when, and where they had it, which I am sure he cannot doe, as it may appeare by the Canonists, who comprehend absolute Princes in other penall lawes, wherein they are not otherwise mentioned then in generall tearmes, as he may see in Simanca, in his Institutions,^d and Emericus in his third part of the Directorie,^e and Penna in his Annotations vpon the f same.

d Tit. 23.
e Q. 31.
f Annot. 96.

20 But first it is vntrue, that in the whole title *de hereticis*, there is not any other Canon, or decree concerning the deposition of Princes, except this Decree of the Lateran Councell, if wee once suppose, as Hostiensis doth suppose, that the Pope by the institution of Christ hath authoritie to depose temporall Princes, and to inflict temporall punishments: for this once supposed, they may very well bee included in the last Canon of this title *De hereticis*, wherein Pope Gregory the ninth doth Decree and declare, that whosoener are bound, or obliged to manifest heretickes by any covenant strengthened with neuer so great securitie are absolved from the bond of all allegiance, homage, and obedience: for in those words, whosoener, and manifest heretickes, and such like generall tearmes, which denote no title of office, honour or dignity inferiour to Kingly maiesty, all men whatsoener, euen Kings and absolute Princes may be included, if it be once granted, that the Pope hath power to depose absolute Princes. But because it is probable, as I haue prooued at large aboue in this Treatise, that the Pope by the institution of Christ, hath no authority to depose temporall Princes, or to inflict temporall punishments, it consequently followeth, that it is also probable, that neither the aforesaid Canon *Absolutos*, nor any other Canon made in such generall words, wherein temporall punishments are inflicted, can comprehend absolute Princes, but that all such like Canons are made either by the Pope, as he is a temporall Prince, and consequently are of force onely in the territories of the Church, or the Popes temporall dominions, or else that they are made by the consent of temporall Princes, and haue their force to binde from their authority, and consequently doe concerne onely inferiour persons, or subiects, and not absolute Princes themselves, who are free from the coerciue power of those lawes, which are made by their owne authority.

21 So that although I will not now contend, neither doe I much regard of what opinion Hostiensis bee concerning the sense and meaning of this Canon of the Lateran Councell, yet it is plaine, that Mr. Fitzherbert hath not hitherto prooued out of Hostiensis, as hee pretended to
proue,

prooue, that absolute *Princes* are comprehended in the penall lawes of the Church, vnder such generall names, which denote some office, honour, dignitie, or title inferiour to *Kingly Maiestie*. Neither doeth *Simancas*, *Emericus*, or *Pegna* in the places cited by my *Aduersarie* teach contrarie to my doctrine in this point, to wit, that in penall lawes, and odious matters *Abbots* are vnderstood by the generall name of *Monkes*, *Bishops*, by the generall name of *Priests*, and *Emperours*, *Kings*, and absolute *Princes* by the generall name of *Dominus temporalis*, a temporall Land-lord, *Gouernour*, or *Lord*.

22 For *Simancas* in the 23. title cited by my *Aduersarie* nu. 10. doth cleerely distinguish betwixt *Dominos temporales*, and *Reges*, temporall *Lords*, and *Kings*: and nu. 11. hee proueth, that hereticall *Kings* and *Princes* are forthwith deposed, and their subjects absolved from their allegiance, by the aforesaide Canon *Absolutos* of *Gregorie* the ninth, which, as I saide, is a sufficient prooue, supposing, as hee doeth, that the *Pope* hath authoritie to depole temporall *Princes*, and to absolute subjects from their temporall allegiance, but because this supposition of his is not certaine, his prooue grounded thereon cannot bee certaine. And *Emericus* in the 31. question cited by my *Aduersarie*, to prooue, that the *Inquisitioners* haue authoritie to proceede against *Kings*, bringeth only the authoritie of *Pope Clement* the 4. and *Vrbani* the 4. and those generall words contained in their *Breues*, of what condition, dignitie, or degree soeuer they be; and the same only confirmeth *Pegna* in his *Commentarie* vpon that question, which doth not contradict my doctrine, for I neuer denied, that in penall lawes, absolute *Princes* may not be comprehended vnder such generall words, supposing, as they suppose, which I deny, that the *Pope* by his spirituall authoritie may inflict temporall punishments.

23 But secondly and principally, albeit these *Doctours* should, as in the places cited by my *Aduersarie* they doe not, contradict my doctrine in this point concerning the not comprehending of *Abbs* vnder the generall name of *Monkes*, *Bishops* of *Priests*, and absolute *Princes* vnder generall names of temporall *Lords*, *Gouernours*, *Potestates*, and such like, yet it were little to the purpose, seeing that other learned *Lawyers*, and *Diuines*, as I haue shewed before, doe agree with mee in this point. And therefore to prooue my doctrine in this point to bee absurd and improbable, as this man after his vaine glorious bragging fashion boasteth it to bee, it is not sufficient, (as I said, and this I wish him to note well) to bring the authoritie of one, two, twentie, yea a hundred *Lawyers*, or *Diuines*, if other learned *Lawyers*, and *Diuines*, although the farre fewer in number, doe contradict them therein.

24 Now let vs proceede to the rest of Mr. Fitzherberts discourse. And whereas, saith hee, & Widdrington seemeth also to ground this his deuise vpon two rules of the law, to wit, that in penall Lawes the milder, or more

more fauourable part is to bee chosen; and that odious things are to bee restrained, and fauours amplified, the same is commonly true, when the text of the Law is so obscure, or the case so doubtfull, that two, or more opinions may bee probably gathered thereof touching the quantitie, or qualitie of the paine, and how farre, and to whom the same is to bee extended; for in these cases of debt, or such like, the more fauourable, or lesse rigorous opinion is to be followed; but in this Canon, both the words, and sense are so cleare, that hitherto no doubt hath beene made amongst the Canonists, whether Kings, or absolute Princes are comprehended therein.

25 It is very true, that my aforesaid answere, to wit, that in penall lawes, and odious matters, an Abbot is not included in the generall name of a Monke, nor a Bishop in the generall name of a Priest or Clerke, nor a King in the generall name of a temporall Land-lord, Gouvernour, or Lord, or the like, I did partly ground vpon those rules of the law, and partly vpon the authoritie of learned Lawyers, and Diuines, who, as you haue seene, doe confirme the same; and therefore the wordes, and sense of this Canon are not so cleare, but that those *Antibours* will consequently deny, that Emperours, Kings, and absolute Princes are not in this Canon comprehended, vnder those generall words, of a temporall, or principall Land-lord, Gouvernour, or Lord, as neither an Abbot is, according to them, in penall lawes, and odious matters comprehended vnder the generall name of a Monke, nor a Bishop vnder the generall name of a Priest, or Clerke, nor a King vnder the generall name, of a Land-lord, Gouvernour, or also Lord. And if the wordes, and sense of this Canon bee so cleare, as this man would make it to bee, I wonder, that neither Cardinall Bellarmine in his *Controuersies*, nor Molina, nor Corduba, nor Victoria, nor D. Sanders, nor Azor, vehement defenders of the Popes authoritie to depose absolute Princes, could not see the cleare sense of this Canon, wherof they could not bee ignorant, thereby to confirme their doctrine, by a manifest decree of a generall Councell, without flying to the particular facts of Popes oftentimes deposing Kings, and Emperours, which all learned men know to be no good argument to prooue, that the Pope hath true right, and authoritie so to doe.

26 Besides that, saith Mr. Fitzherbert, ^h these rules haue many exceptions, which are very considerable, and haue place in this case. For first, whereas all the obscuritie that can be imagined in this Canon, and case, is in the generall words, *Dominus temporalis, and non habens Dominum principalem*, the Lawyers teach vs, that *verba generalia non dicuntur obscura*, generall words are not said to be obscure. h pag. 152.

And the Lawyers also teach, that in penall lawes, and odious matters, such generall words, as denote some inferiour dignitie, order, title, office, or function, as a temporall, or principall Lord, Gouvernour, Iudge, or Land-lord, a Monke, a Clerke, and a Priest, are ob-

secure, and are not vnderstood to comprehend *absolute Princes, Abbots, or Bishops.*

27 *Secondly, this rule of restriction, saith hee, is not to bee vnderstand quantum ad vim verborum, of the force of the words, and therefore the Lawyers also teach, that penalties are to be extended as farre, as the propriety of the words doe permit.*

And the *Lawyers* also teach vs, that in *penall lawes*, and *odious matters*, such *generall words*, as denote some inferiour title, dignitie, office, order, or function, are not to bee extended as farre as the propriety of the wordes doe permit: and that therefore an *Abbot* is not comprehended vnder the generall name of a *Monke*, nor a *Bishop* vnder the generall name of a *Priest*, nor a *King* vnder the generall name of a *Lord, Governour*, or *Land-lord*, albeit an *Abbot* bee properly a *Monke*, and a *Bishop* be properly a *Priest*, and a *King* be properly a *Lord, Governour*, and *Land-lord*. But *M^r. Fitzherbert* doeth not distinguish betwixt *proper*, as it is distinguished from *improper*, or metaphorically, in which sense it is true, that the words of *penall lawes* are to bee vnderstood in a *proper sense*, and not to bee restrained to an *improper*, or metaphorical sense, and as *proper* is distinguished from *common*, or generall, in which sense an *Abbot* is not properly a *Monke*, nor a *Bishop* is properly a *Priest*, nor a *King* is properly a *temporall Lord, Governour*, or *Land-lord*, for that a *Monke* is not the *proper* name of an *Abbot*, nor a *Priest* the *proper* name of a *Bishop*, nor a *temporall Lord* the *proper* name of a *King*, but they are names, which are common also to inferiour *Monkes*, inferiour *Priests*, and inferiour *Lords*.

28 *Thirdly, the rule, saith hee, faileth, when the reason is expressed, as it is in this Canon.* But *M^r. Fitzherbert* should haue declared, what reason expressed in the law is required to haue the aforesaid rule to faile. For in this *Canon* of the *Lateran Councell* there is no reason expressed, why *Domnus temporalis*, a *temporall Land lord, Governour*, or *Lord* must comprehend *absolute Princes*. For the end, and reason of making this *Canon* was to put in execution the holy lawes before enacted by *Christian Princes* for the rooting out of heretikes, which lawes were not put in practise by the negligence of inferiour *Governours, Magistrates*, and *Officers*, to whose charge the execution of iustice is immediately committed, for which reason it was sufficient to comprehend in that *Canon* only inferiour *Lords, Governours, Magistrates*, and *Land-lords*, who were negligent to put in execution the godly lawes before enacted by *pious Emperours*, and *Kings* for the repressing of heretikes; but of this reason more beneath.

29 *Lastly, the rule, saith M^r. Fitzherbert, holdeth not, say the Lawyers, when there is question of the publike good, or the fauour of the Church, or of the faith, or of soules; for in these cases penalties are to bee extended, and*

the law interpreted in preiudice of the delinquent. So as these rules doe helpe Widdrington nothing at all, seeing that these exceptions, which are admitted by the Law, doe cleerely exclude the restriction, which bee requireth by vertue of the rules.

30 And the Lawyers also doe absolutely, and without the afore-saide exceptions affirme the afore-saide rules to bee true. Wherefore Sayrus, citing diuers Lawyers for the same, doeth by vertue of this rule, except Abbots from Excommunication, although Excommunication bee rather medicinall, then penall, and ought not to bee inflicted but for the good of the soule. And Andreas Dumellius did by vertue of this rule exempt the King of France from the Canon, *Vnam sanctam*, of Pope Boniface the eight, which neuerthelesse was made in fauour of the Church. Neither is there any law either spirituall, or ciuill, which ought not to concerne the publike good, neither hath the Pope any authority either directiue, or coerciue graunted him, but for the good of soules. So as these rules, according to the opinion of learned Lawyers, and Distines doe helpe mee greatly, and fauour my doctrine concerning the not including in penall lawes Abbots, Bishops, and Kings vnder the generall names of Monkes, Priests, and Lords, although they bee enacted for the publike good, the health of soules, and in fauour of the Church.

31 But the maine, and principall ground, whereon I stand, why absolute Princes are not comprehended in this Canon of the Lateran Councell, vnder those generall wordes, *Dominus temporalis, Dominus principalis*, is this, as you haue seene before, for that, albeit I should grant my Adversarie onely for disputation sake, that in penall lawes, and odious matters Abbots are included in the name of Monkes, and Bishops in the name of Priests, and Kings in the name of temporall Lords, which neuerthelesse he will neuer bee able to conuince, yet seeing that it is most cleare, as Mr. Fitzherbert also confesseth, that all lawes are limited according to the power of the Law-maker, and that therefore the obligation both of Princes, and Church lawes is extended onely to their owne subiects, it necessarily followeth, that temporall Princes cannot bee comprehended vnder any generall words, in any Canon, or constitution of the Church, but onely in those things, wherein they are subiect to the spirituall power of the Church. From whence it cleerely followeth, that if it bee probable, as in very deede it is, that the spirituall Pastours of the Church haue no authoritie by the institution of Christ to inflict temporall punishments, or to depose temporall Princes, it is also probable, that this Canon of the Lateran Councell, as also all other such like decrees, wherein temporall punishments are in generall words inflicted vpon temporall Lords, Governours, or Land-lords, was not made by spirituall, but by temporall authoritie, and therefore cannot comprehend abso-

lute *Princes*, who in temporals, and for as much as concerneth the inflicting of temporall punishments, are supream on the earth, and nor subiect to the spirituall power of the Church, but that it was either made by the authority, & consent of all temporall *Princes*, if wee will needes haue it to binde all Christian Kingdomes, or else that it hath force onely to binde in the *Popes* dominions, wherein he hath the place both of a spirituall *Pastour*, and also of a temporall *Prince*.

1 Pag. 153.
num. 8.

Tit. 11. cap. 4. 6.
Quia periculo-
sum.
Glossa ibidem
in verbum, sus-
pensionis.

32 And whereas *Widdrington* giueth an instance, saith Mr. *Fitzherbert*,ⁱ without any quotation of Law or Author, that *Bishops*, and *Abbots* are not included in penall lawes, except they be mentioned, it is true in *Bishops* in the case onely of suspension, or interdict, from the which they are by an expresse Canon exempted, except they be named, as it appeareth in the *Decretals lib. 5. de sententia excommunicationis*, where also the *Glosse* saith expressely, that they are not priuiledged from a generall penaltie of Excommunication, because the *Pope* (who giueh them the aforesaid priuiledge) would not haue them to be exempted from the Canon, *Si quis suadente*, and such like, which inflict the penalty of Excommunication in generall tearmes: and the same is to be said of *Abbots*, or any other persons of dignitie, to wit, that they haue no exemption from the generall tearmes of penall lawes, except they be priuiledged namely by some expresse Canon. And therefore, when my *Aduersary* shall shew me such a Canon, whereby *Princes* haue the priuiledge that he pretendeth in their behalfe, I will grant that he hath reason to exempt them from the Canon of the Councell of *Lateran*. In the meane time he hath no more probability in this poynt, then in the former.

33 But first I neuer said, as Mr. *Fitzherbert* to make some colour of a probable answere falsely layeth to my charge, that *Bishops* or *Abbots* are not included in penall lawes, except they be mentioned. For I make no doubt, but that they are included in penall lawes vnder such generall words, which denote no particular dignitie, order, degree, or function of Christian men, and that therefore they are included in the Canon, *Si quis suadente Diabolo*, and in the Canon, *Omnis utriusque sexus*; but that which I said was, that in penall lawes and odious matters, *Bishops* are not included in the generall name of *Priests*, nor *Abbots* in the generall name of *Monkes*. And for the prooofe thereof I brought neither Canon, nor Author, for that I thought it so manifest, that no man of any reading would make doubt, but that learned *Lawyers* and *Divines* doe affirme the same. But now finding my *Aduersary* for want of reading, learning, or sincerity, to make doubt thereof, I haue brought, as you haue seene, to prooue the same, both learned *Lawyers*, and *Divines*, and also a Canon of *Pope Innocent* himselfe, who called, and ended this Councell of *Lateran*, wherein he declarerh, that he doth not intend in his commissions to comprehend vnder a generall clause greater

and worthier persons, when lesse worthie, and lesse noble persons are expressed. And therefore, seeing that I haue now shewed him both learned *Authors*, and also a Canon of Pope *Innocent* himselfe, to prooue that *Bishops* are not in penall lawes comprehended vnder the generall name of *Priests*, or *Clerkes*, nor *Abbots*, vnder the generall name of *Monkes*, nor *Kings* vnder the generall name of *Lords*, *Gouernours*, or *Landlords*, he must according to his owne confession grant, that I haue reason to exempt *Emperours*, *Kings*, and absolute *Princes*, from the Canon of the *Lateran Councell*.

34 Neither did I ground this my doctrine vpon the Canon, *Quia periculosum*, wherein it is decreed, that in the case of *Suspension*, & *Interdict*, *Bishops* are not comprehended vnder any generall words whatsoever, vnlesse they be expressed by the name of *Bishops*, but vpon the authorities aforesaid, & chiefly vpon that reason which Mr. *Fitzher*. himselfe acknowledgeth to be most true, that all lawes are to be vnderstood according to the power of the Law-maker, and that therefore the obligation of every Ecclesiasticall Canon is extended onely to those, who are subiect to the spirituall authority of the Church, as absolute *Princes* are not in meere temporall matters, as is the inflicting of temporall punishments, for what cause, crime, or end soeuer they be inflicted, according to the probable doctrine of many learned *Catholikes*, whom I haue named aboue in the first part of this Treatise, and defended them from the friuolous exceptions, which D. *Schulckenius* hath made against them.

35 Finally, saith Mr. *Fitzherbert*, whereas *Widdrington* saith, that the Synode would haue specified *Princes* by that name, as well in this Canon (if it had meant to include them therein) as it did in some other Canons and Decrees concerning other matters, who seeth not the vanitie of this conclusion? For why should they be named more particularly then they are, seeing that they are sufficiently comprehended in the generall tearme of *Domini* *temporalis*, a temporall Lord, ^k which is also sufficiently explicated in this very Canon, wherein we see that a temporall Lord, ^l is diuided into two sorts, the one of those who haue principall Lords ^m aboue them, and the other of such as haue none, ^o of which sort are all absolute *Princes*, that hold of none, ^p and therefore seeing that such are declared by the Canon to be subiect to the penalitie, no lesse then those, who holde of others, it was needlesse to name them in other manner: But belike my Aduersary will take vpon him not onely to interpret the Councell, but also to teach it how to speake, and what words to vse, or else it must be of no force.

36 No, Mr. *Fitzherbert*, God forbid, that either I, who professe my selfe to be a *Catholike*, should be so arrogant, as to take vpon mee to teach the Councell how to speake, or what words to vse, or that you, who professe to be a teacher, and to instruct others in this difficult controuerse, which you will needes make a point of faith, should bee so ig-

^k He might as well haue translated it a temporall Landlord.

^l He might as well haue said a temporall Landlord, for *Domini* *temporalis* signifies both.

^m And also Landlords,

ⁿ To wit, no temporal Landlord aboue them,

but the King.

^p And also other principall Landlords,

who haue no principall Landlord aboue them,

but the King, who is not comprehended in odious matters, vnder the name of a Landlord.

norant, as not to know that the sense and meaning of the *Councell*, is to be gathered from the sense and propertie of the words, and that by the words we are taught what is the sense & meaning of the *Councell*: Now I haue sufficiently shewed before, both by the authority of learned *Lawyers* and *Divines*, and also by conuincing reason, that *absolute Princes* are not sufficiently comprehended in this *Canon*, vnder the generall name of a *temporall*, or principall *Landlord*, *Gouernour*, or *Lord*, both for that it is a *penall law*, wherein an *Abbot* is not comprehended vnder the generall name of a *Monke*, nor a *Bishop* vnder the generall name of a *Priest*, nor a *King* vnder the generall name of a *Landlord*, *Gouernour*, or *Lord*, and chiefly for that it is such a *penall law*, which is *probable* to be a *temporall*, and not a *spirituall law*, for that it inflicteth temporall punishments, which, according to the *probable* doctrine of many learned *Catholikes*, cannot be inflicted but by temporall or ciuill power, and that therefore those generall words, *Dominus temporalis*, *Dominus principalis*, a *temporall*, or principall *Landlord*, *Gouernour*, or *Lord*, cannot comprehend *absolute Princes*, who in *temporals* are not subiect to the *spirituall* power of the *Church*, for that the words of euery law are to be limited according to the power of the Prince that maketh them, and that therefore the obligation of euery *Princes law*, whether hee bee a *temporall* or *spirituall Prince*, is extended onely to his owne subiects.

37 And if my *Aduersary* flie to his ancient shift, that all *Emperours*, *Kings*, and other *Christian Princes* are children of the *Church*, & therefore subiect to the *spirituall Pastors* thereof; It is true in *spirituall*, but not in *temporall*, as is the *inflicting* of temporall punishments, wherein they are not subiect, but *absolute* and *supreme*. True also it is, that *Dominus temporalis*, a *temporall Lord*, is in this *Canon* diuided into two sorts of *Lords*, taking a *Lord*, as the *canon* here doth take him, to wit, not only for a title of honour, which *Knights*, *Gentlemen*, & many inferiour *Magistrates*, as *Sheriffes*, *Bayliffes*, *Constables* haue not; but for euery person, who hath tenants, vassals, or other persons any way subiect to him, in which sense euery *Land-lord*, & *Magistrate* is called *Dominus temporalis*, a *temporall Lord*, *Gouernour* or *Land-lord*. The one sort is of those, who haue principall and chiefe *Gouernours* or *Land-lords* aboue them, as are all inferiour *Magistrates*, and those who hold any land of others: The other is of those, who although they be subiect to the *King*, yet they haue no other principall *Land-lords* or *Gouernours* aboue them; and of this sort are both those who let their lands to others, and yet hold their lands of none, nor perchance of the *King*, and also all principall *Gouernours* of the common-wealth, who are subiect to no other then the *King*, as are all the *Lords*, or the body of the *Kings* priuie Councell together, and in some sort the *Lord Chancellor*, the *Lord chiefe Iustice*, who haue no one principall *Lord* or *Gouernour* aboue them; as all other subiects haue

haue, but the King alone: yet neither of these sorts doe sufficiently expresse a King or a *supreme and absolute Prince*, for that they are *titles* belonging also to subjects and inferiour persons. And therefore, the premises being considered, it is *probable*, that if the Councell had meant to haue comprehended Kings and *absolute Princes* in that Canon, she would haue giuen them their *proper titles of honour*, as she did in other *Decrees*, and not include them in those common *titles of honour*, which are giuen to persons of inferiour state and condition.

38 And by this which I haue said in these two Chapters, the Reader may cleerely see, that these answeres, which I haue giuen to the decree of the *Lateran Councell*, are very *probable* and sufficient, and that therefore Mr. *Fitzherberts* conclusion of this Chapter (to vse his owne words) is no lesse *vaine, impertinent and insufficient*, then of his former Chapters; for these be his words^k.

Thus thou seest, good Reader, that these few exceptions (being all that *Widdrington* hath taken) to the Councell of *Lateran* in his answer to my Supplement, are no lesse *vaine and impertinent*, then his former arguments and answeres to the rest of my discourse: and this is as much as at the first I meant, and undertooke to performe; neuerthelesse, forasmuch as he hath charged me to haue dissembled his other answeres and arguments touching the Councell of *Lateran* in another worke of his (which as I haue signified before I neuer saw till now of late) I will take a little more paines, and craue thy further patience, whiles I examine the *validitie* thereof, which I might forbeare to doe if I did write in *Latin*, because the same arguments and answeres of my Aduersary, are very learnedly and cleerely confuted in *Latin*, as well by M. D. *Weston*^l in his *Sanctuary* (whereof I haue spoken before) as also by M. D. *Singleton* in an excellent Treatise concerning onely the Decree of the Councell of *Lateran*, to which two Authours I might, and would wholly remit my Reader, were it not that I desire to giue satisfaction in this point, as well to such as doe not understand the *Latin* tongue, as to those that haue not the commodity and meanes to see the said Treatises; besides that, I shall now and then, upon some speciall occasions, touch some things which seeme to me very considerable, and are not touched by them, or any other, for ought I know.

39 But on the contrary side thou seest, good Reader, that these answeres, which I haue giuen to the Councell of *Lateran*, are sound, sufficient, and very probable, and that the exceptions which Mr. *Fitzherbert* hath taken against them, are no lesse *vaine and impertinent*, then are his arguments and answeres in the former Chapters; and that according to his owne confession, who granteth, that all lawes are limited according to the power of the Law-maker, and therefore the obligation of *Ecclesiasticall Canons* is extended onely to them, who are subject to the authoritie of the Church, if it be probable that the spirituall Pastours of

^k Pag. 154
nu. 10.

^l *Iuris Pontif.*
Sanctuar. q.
27. per totum.
m *Discussio*
creti &c.
nu. 4. & seq.

the Church haue by the institution of Christ no authoritie to inflict temporall punishments, and that consequently *absolute Princes* are not subiect to them therein, it cleerely followeth that it is also *probable*, that the *Councell of Lateran* did not intend to include *absolute Princes* in that penall law vnder the generall names of *Dominus temporalis*, *Dominus principalis*, but that this decree inflicting temporall punishments, was made by the authority and consent of temporall *Princes*, and did therefore onely include those inferiour *Land-lords*, *Gouerneurs* or *Lords*, that were subiect to them.

40 Wherefore to conclude this point, vnlesse, as I said before, my *Aduersaries* doe first prooue out of the holy *Scriptures*, *ancient Fathers*, or some cleere definition of a generall *Councell*, or a demonstraine reason grounded thereon, that it is certaine, and of faish, that the *Pope* hath authority to depose temporall *Princes*, they cannot draw any conuincing argument from this *Canon* of the *Lateran Councell*, to prooue that doctrine to be certaine, and of faish, for still the aforelaid answer will bee ready at hand, that it was made by the authority of *temporall Princes*, seeing all lawes are limited according to the power of the Law-maker, and it is probable, that the *spirituall* power of the Church doth not extend to the inflicting of temporall punishments, as *Almaine*, and very many *Doctours* doe affirme. So that vnlesse in arguing from the *Lateran Councell* they will manifestly *petere principium*, and suppose that, which they ought to prooue, they can neuer bring any conuincing argument from the aforelaid *Canon*, to prooue that the *Pope* hath power to depose *Princes*, as any man of iudgement may cleerely see, but they must still suppose the same as certaine, which is a great vice in the *disputer*, although the *answerer*, who taketh not vpon to prooue, but onely to defend, may without any fault or note giue such answers, which suppose that the *Pope* hath no such power, vntill by force of argument he be driven from that his supposition, and this I with the *Reader*, and all my *Aduersaries* well to note, for in most of their arguments they suppose that which is in *question*, which is a fault in the *Disputant*, but not in the *Respondent*, who doth alwaies answer supposing his owne grounds and doctrine, but the *Disputer* must not onely suppose them, but also prooue them. And as for the rest of *Mr. Fitzherberts Replies*, which he confesseth to haue taken out of *D. Weston*, and *D. Singleton*, I will also examine with him in the ensuing *Chapters*, as also that which he hath now and then, as he saith, upon some speciall occasions touched, and which seems to him very considerable, and yet are not for ought he knoweth touched by them, or any other.

CHAP. XI.

wherein Widdringtons first answer to an obiection propounded by himselfe is proued to be sufficient, and that the consent of temporall Princes is necessarie to the validitie of Ecclesiasticall Constitutions, which inflict temporall punishments, and consequently are not made by true spirituall authoritie; Also the doctrine of the Lord Cardinall Peron in his speech to the lower house of Parliament, against the Oath propounded by them is examined: And lastly Mr. Fitzherberts obiections groundd vpon the Decrees of Pope Callixtus, Vrbanus, the Councell of Eliberis in Spaine, and the Constitution of the Apostles are cleerely confuted.



OW Mr. Fitzherbert, with the helpe of D. Weston and Fa. Lessius masked vnder D. Singletons name, taketh vpon him in the three next ensuing Chapters to prooue three answeres, which I gaue to an obiection made in fauour of this Decree of the Lateran Councell, to bee absurd. And thus he beginneth.

My Adversary Widdrington in his Preface to his Apologeticall answer to an English Doctour, hath not onely urged the arguments, which I haue here already confuted, but undertaketh also to answer certaine of ours against the same arguments; and therefore he obiecteth in our behalfe, that although it were true, that Kings, and absolute Princes are not included per se, and principally in that Decree of the Councell, yet it seemeth to be manifest, that secondarily, and consequently they are, or at least may be comprehended therein. For if the Pope, saith he, haue power to depriue the subiects of other Princes of their temporall states for heresie, without the consent of the said Princes, it seemeth that no sufficient reason can be assigned, why he may not also for the same cause depriue Soueraigne Princes of their Dominions.

2 Thus argueth he for vs, and not much amisse, and therefore let vs see how he will answer it. He giueth to this obiection three answeres; The first is, that both Popes, and Councells doe oftentimes decree many things, which belong rather to the politicall or temporall, then to the spirituall, or Ecclesiasticall power to decree, with the expresse, or tacite consent of Princes, who are there present by themselves, or their Ambassadors, or at leastwise presuming, or hoping, that Princes will ratifie the same. And this say some Expositours of the Canon law, saith Ioannes Parisiensis. For Holtiensis extra de hæreticis cap. Ad abolendam, where the Pope commandeth
the

Prefat. ad
Resp. Apolog.
nu. 46:

the goods of heretikes to be confiscated, demandeth what the Pope hath to doe with temporalls? And he answereth with his Lord, Pope Innocent, that in very deepe he hath nothing to doe therewith, but he made this Decree with the assent of the Emperor, who being then present at Padua gave his consent.

Hostiensis in
cap.

Quod super his
de voto, & voti
redempt.

Hostiensis lib. 5
Rub. de heresi-
cin § qua pœna.

³ This is Widdringtons first answer, wherein you see he relyeth specially upon the authoritie of Ioannes Parisiensis, who grounding his opinion upon Hostiensis, alledgeth him to no purpose at all, partly for that no such thing isto be found in Hostiensis in the place, which he quoteth (to wit, extra de hæreticis cap. ad Abolendam) and partly because Hostiensis not onely teacheth evidently else where, that the Pope hath direct Dominion over all temporall States (whereupon it followeth that he may dispose thereof, and of temporall things, as he shall haue iust cause) but also affirmeth, and teacheth expressly, that absolute Princes may bee disposed by the Pope, and their states exposed to bee taken by other Catholikes, if they be negligent to purge their states of heresie, and to this end he citeth this very Canon of the Councell of Lateran, whereof we now treat, to wit, cap. Excommunicamus, Si vero Dominus temporalis; yea and addeth further, that the Pope may depose a Prince for his negligence in Governement, alledging for the same, not onely 17. q. 4. Si quis deinceps; but also the example of Zacharias the Pope, who, saith he, deposuit Childericum Regem Franciæ, deposed Childericke King of France. How then can Ioannes Parisiensis, or any man else truly say, that Hostiensis was of opinion, that the Pope hath nothing to doe with temporall things?

⁴ But first, where doth Mr. Fitzherbert finde Ioannes Parisiensis to say, that Hostiensis was of opinion, that the Pope hath nothing to doe with temporall things? For that which Parisiensis saith, is onely this, that Hostiensis giveth this answer, that the Pope hath nothing to doe with temporall things, and that it belongeth not to him to make generall decrees concerning the confiscation of goods, and that this Decree was made with the assent of the Emperour, who was then present at Padua, and gave his consent thereto, but whether Hostiensis gave this answer according to his owne opinion; or of other Lawyers, whom he doth not condemne, Ioannes Parisiensis neither affirmeth, nor denieth, but onely saith, that Hostiensis gave this answer, which is very true. But these be vsuall trickes of Mr. Fitzherbert, as you haue often seene about, to misconstrue the words, and meaning of his Adversarie, thereby to make some colourable shew of a probable answer. Wherefore although it be most true, that Hostiensis is of opinion, that the Pope may upon iust cause dispose of the Dominions of all Christian Princes, and of all temporall things, for that he expressly teacheth, that the Pope is not onely a spirituall, but also a temporall Monarch of the whole world, and hath direct dominion over all temporall States, yet I doe not find Hostiensis to be so peremptorie in his opinion, as to condemne the contrary doctrine

doctrine of heresie, or of absurd, and temerarious improbabilitie, as all my Adversaries not without great temeritie now vsally doe.

5 Secondly, therefore it is also true, that *Hostiensis* vpon the aforesaid Chapter, *Ad abolendam*, giueth also that answer, whereof *Ioannes Parisiensis* maketh mention, and doth not reiect it as improbable, in which sense *Parisiensis* did call it *Hostiensis* his answer. And this answer Mr. Fitzherbert might haue easily found in the foresaid place, if he had not relied vpon Fa. *Lessius* word, who saith as much, but had read ouer the whole Chapter himselte. For whereas Pope *Lucius* the third did in that Canon, *Ad abolendam*, ordaine (from whom it is probable Pope *Innocent* the third tooke that decree of the Lateran Councell, seeing that in substance they little differ) *ut Comites, Barones, Rectores, &c. et Earles, Barons, Gouvernours, and Consulls of Cities, and of other places* (whom the Councell of Lateran comprehendeth vnder the names of *Dominus temporalis, Dominus principalis, & non habens Dominos principale*) shall promise by making a corporall oath, according as they shall be admonished by the Bishops, that they will faithfully, and effectually, when they shall be required by them, helpe the Church against heretikes, and their partakers, vnsafely according to their office and power: and if they shall not obserue the same, let them be deprived of the honour, which they haue, and let them in no wise be assumed to other honours, &c. The Cardinall *Hostiensis* vpon these wordes, *ut Comites &c.* to pprooue the validitie of this Canon, among other answers he giueth also this, which he doth not confute, that some Doctors doe say, that therefore this Canon was of force, because the Emperour was present, and gaue his consent *secundum D. N.* according to Pope *Innocent* the fourth, whom he called *Dominum nostrum*.

6 The same answer also hath *Ioannes Andreas*, expounding that word, *Comites*; Note, saith hee, that the Pope doth decree concerning laymen, but this is in regard of sinne. Others say, that therefore these decrees were of force because the Prince gaue his consent, and was present. And also the same answer maketh Pope *Innocent* the fourth expounding the same word, *Comites*; Note, saith he, that the Pope may ordaine concerning Lay-men, but this is in regard of sinne. Others say, that these decrees are therefore of force, because the Prince was present. Wherefore it is very true, which *Ioannes Parisiensis* said, that *Hostiensis* with his Lord Pope *Innocent*, among other answers concerning the validitie of this Canon gaue also this, which they did not confute, that it was therefore valued, and of force, because the Prince was present, and gaue his consent. And therefore I maruaile, how Fa. *Lessius* a man otherwise very learned, and as I euer supposed, of great reading, should be so ignorant in the studie of the Canon law, as not to know, and much more so boldly to denie, that *Hostiensis* did write vpon the Chapter *Ad abolendam*, or vpon other textes; whereas there is no booke more knowne, and more commonly cited.

cited by the Canon Lawyers, then is the Lecture of *Hosienſis* vpon the *Decretalls*. And thus much concerning *Hosienſis*, and his answer ailedged by *Parisienſis* to great purpose, whatſoever my *Adverſary*, giving ouermuch credit to *Fa. Leſſius*, hath vntruly ſaide to the contrary.

7 Now concerning *Ioannes Parisienſis* M^r. *Fitzherbert* writeth thus: ^a But it is no marvaile if *Ioannes Parisienſis* ſhewed himſelfe partiall towards Princes in ſome things concerning the Popes authority, ſeeing that he lived and was a Reader in Paris in the time of the troubles betwixt Pope Boniface the eight, and Philip le Bel, King of France, who being excommunicated by the ſaid Pope, and extremely incensed againſt him could not want learned men to ſecond his humor, eſpecially ſuch as were his borne ſubiects, and lived within his dominions; Neuertheleſſe howſoever *Ioannes Parisienſis* may ſeeme in the words alleadged by my *Aduerſary* to affirme, that the Pope hath no power at all to diſpoſe of temporall things; yet it is clere that he teacheth elſewhere, that in ſome caſes the Pope may diſpoſe of the temporall goods, not onely of Eccleſiaſticall perſons, but alſo of all the faithfull.

8 And of this Widdrington might have taken notice, when he wrote againſt me, if it had pleaſed him, ſeeing that he was admoniſhed thereof by Schulckenius ^b, who ſheweth that *Ioannes Parisienſis* teacheth expreſly, that the Pope being the ſupreme head of Prieſts, and of the faithfull, may (as the generall informer of faith and manners) diſpoſe the goods of the faithfull, and decree them to bee expoſed, ſo farre forth as the common and extream neceſſitie of faith and manners ſhall require; and ^c further, that if the King be an hereticke, and incorrigible, the Pope may not onely excommunicate him, but alſo force the people to depoſe him, Excommunicando omnes, qui ei vt Domino obedirent, Excommunicating all thoſe, which ſhould obey him as their Lord: and againe afterwards he ſaith ^d, that if the Prince be an hereticke, his vaſſall is not bound to follow him, and that the Pope may deliuer his ſubiects from the obligation of their oath of allegiance.

9 By all this it appeareth, that albeit *Ioannes Parisienſis* doth giue leſſe vnto the Pope then he ought (as Schulckenius well noteth) yet he giueth him as much as ſufficeth for our purpose, ſeeing that it little importeth to the ſubſtance of the maine queſtion betwixt our *Aduerſary* and vs (which is, whether the Pope may depoſe a temporall Prince) I ſay it little importeth how, and in what manner he may doe it (whether by a Iuridicall ſentence of depoſition or otherwiſe) ſo as it is granted, that he hath authoritie to diſcharge the Princes ſubiects of their Oath of allegiance, yea and to compell them to depoſe him, which *Ioannes Parisienſis* expreſly teacheth; whereupon it may be inferred, that his meaning was in the place before objected, that the Pope may not diſpoſe of temporall things directly, but onely indirectly, and in ſome caſes, which overthrowe the foundation of our *Aduerſaries*

^a *Tog. 158.*
nu. 4.

^b *Schulck. pag.*
64.

^c *Ioan. Paris.*
de poſt. Reg. &
Papali cap. 7.

^d *Ibid. cap. 13.*

^e *Ibid. cap. 16.*

laries doctrine touching this question : and this may suffice for him, and Hostiensis.

10 But first, besides that *Ioannes Parisiensis* was neuer taxed by any ancient Author for writing partially in fauour of the King of France, the like words that M^r. *Fitzherbert* heere vseth against *Ioannes Parisiensis*, may be retorted backe vpon *Hostiensis*, and diuers other *Diuines*, and *Canonists*, to wit, that it is no maruaile, that *Cardinall Hostiensis*, and diuers other *Romane Diuines*, and *Canonists* shewed themselves partiall towards *Popes* in some things concerning the *Popes* authoritie, seeing that they liued, and were Readers in Rome, or in the *Popes* Dominions in the time of the troubles betwixt the *Popes*, and *Christian Princes*, which *Popes* since the time of *Pope Gregorie* the seuenth tooke vpon them to dispose of all temporalls, and to depose temporall Princes, and therefore could not want learned men to second their humours, especially such as either were their borne subjects, and liued in their Dominions, or else might expect spirituall preferment, and to be aduanced to Bishoprikes, or other spirituall dignities by the *Pope*, and this also the said *Ioannes Parisiensis* in the same booke doth well obserue. But more probably, saith he, ^h it may be said on the contrary side, that those Doctours, who so vndutifully aduance the *Popes* authoritie, doe speake for feare, or fauour of him, seeing that they are Clergie men, who may rather bee promoted by him : and especially seeing that they themselves doe say, though not well, that the *Pope* doth graciously embrace those that doe extend, or amplifie his authoritie, and represseth those that speake against the same.

h Ioan. Paris.
de potest. Reg.
& Papali cap.
21 ad 41. arg.

11 Secondly, *Ioannes Parisiensis* doth not teach that the *Pope* hath power to dispose of temporall things, and of the temporall goods, not onely of Ecclesiasticall persons, but also of all the faithfull, except onely by declaring the law of God, and by compelling the faithfull by Ecclesiasticall censures to obserue the same, & *hec Pape ordinatio non est nisi iuris declaratio*, & this ordaining, or disposing of the *Pope*, is nothing else, then a declaring of the Law of God, saith *Parisiensis* in that very place, ⁱ and this I haue declared. and prooued at large aboue in the first part against D. *Schneckenus*. And the same hee teacheth concerning the absolving of vassalls from their oath of fealtie. To that, saith hee, ^k which is objected that the *Pope* hath sometimes absolved souldiers from their oath of fealtie. Besides that it is an argument De facto, which is onely introduced concerning French-men, I answer, that it was rather a declaring of the law, to wit, that the Oath did not bind in that case, then an absolving from the oath of fealtie : Now what Catholike man maketh doubt, but that the *Pope* hath authoritie to declare the Law of God, it being a spirituall thing, and proceeding from spirituall power?

i Cap. 7.

k Cap. 16. ad
11.

12 Wherefore, as I declared at large aboue in the first part, *Ioannes Parisiensis* teacheth three things ; The one is, that the *Pope* hath no authoritie

thority to depose, or depriue by way of sentence an hereticall Prince of his Royall right, and authority, and this is the maine question betwixt my *Aduersaries*, and mee : The second is, that the Pope hath power to declare and interpret the law of God, and to compell by Ecclesiasticall Censures all the faithfull to obserue the same, and in this I agree with *Parisiensis*, sauing that there is yet a great controuersie betwixt the *Diuines* of Rome, and *Paris*, what things are required to make the Popes definition, declaration, or interpretation to be certaine and infallible, as also inferiour *Bishops* haue authority to declare and interpret the law of God, and to compell their spirituall subiects to obserue the same, yet their declaration and interpretation of the law of God, is not alwaies certaine and infallible. The third is, that the people or Common-wealth haue authority in some cases, & are bound to depose their Prince, and consequently, that the Pope may by Ecclesiasticall censures compell them thereunto : And with this question concerning the power of the Common-wealth, as I haue often said, I will not intermeddle, before it be agreed vpon betwixt my *Aduersaries* and mee, concerning the maine and principall controuersie, whether the Pope hath authority to depriue by way of sentence an hereticall King of his right to raigne, or, which is all one, to make by his iudicall sentence a King to be a priuate man; for this is that, at which our King and Parliament, in making the new oath of allegiance, did onely aime.

13 And by this it is apparant, how fraudulently, and perniciously Mr. Fitzherbert following therein D. Schulckenius, seeketh to abuse, and delude his Reader, in labouring to perswade him, that it little importeth to the substance of the maine question betwixt my *Aduersaries* and me, whether the Pope may depose a Prince by a iudicall sentence of deposition, and depriue him of all his Regall authority and right, which before that sentence he had to raigne, or whether the Common-wealth hath authority, and also is bound in some cases to depose their King, and consequently, whether the Pope, hauing authority to declare the Law of God, and the dutie which all Christians owe to God, may by Ecclesiasticall censures compell them thereunto, and absolve them from their oath of allegiance, by declaring that their oath in that case doth not binde, which absolving, as *Parisiensis* said above, is rather a declaring of the law, then an absolving from the oath of allegiance : And neuerthelesse there is nothing more cleere, then that the maine question betwixt my *Aduersaries* and mee, is not what authoritie the common-wealth hath ouer their Prince, which is rather a philosophicall question, and grounded vpon the principles of state and policy, then vpon the positive law of God ; but what authority the Pope hath to depriue by way of sentence hereticall Princes of their Princely right, and authority : or which is all one in substance, whether the

cine, or punishing power of the Pope (for about his decretine, declarative, and commanding power, to which his authority to declare the law of God, and what we are bound by the law of God to doe, is reduced, I doe not contend) doth by the institution of Christ extend to the inflicting of temporall punishments, as all my *Aduersaries* most vehemently contend, or onely of Ecclesiasticall Censures, as *Ioannes Parisiensis* doth most expressly affirme. Whereby the Reader may see, to what narrow shifts these men are brought, when they seeke to flye from the true state and substance of the maine question, and controuersie to by-questions and difficulties altogether impertinent.

14 Wherefore, to retort backe my *Aduersaries* words, albeit *Ioannes Parisiensis* giueth more power to subiects, then perchance hee ought, yet concerning the Popes power, hee denieth him as much as sufficeth mee, seeing that it little importeth to the substance of the maine question betwixt my *Aduersaries* and me, which is, whether the Pope may inflict temporall punishments and depose temporall Princes by way of iuridicall sentence, that is by depriving them of their right to reigne, which *Ioannes Parisiensis* expressly denyeth, I say, it little importeth, whether the Common-wealth hath authority, and sometimes is bound to depose their Prince, and consequently the Pope may indirectly, or per accidens, to wit by declaring the law of God, and compelling faithfull subiects by Ecclesiasticall Censures to doe their dutie, may concurre to the same, which indeed *Parisiensis* expressly affirmeth: Neither doth this manner of deposing Princes indirectly, and disposing of temporall things indirectly ouerthrow the foundations of my doctrine touching the maine question of the Popes power to depose, and dispose by a iuridicall sentence. And all this I answered before against D. *Schulckenius*; neither could I in that brieve Admonition take particular notice of all that, which my *Aduersary* wrote in his Supplement, or D. *Schulckenius* in his Apologie: but seeing that I haue now taken particular notice of both their answers and arguments, we will now expect, what a learned Reply Mr. Fitzherbert will make against the same. And this may suffice for *Ioannes Parisiensis*.

15 But before I goe any further, I thinke it not amisse vpon this occasion to admonish the Reader by the way of a brieve digression, in what a cunning manner the most Illustrious Cardinall of Peron, in his oration to the third estates, confoundeth these two questions, and consequently saith little, or nothing against my doctrine touching the Popes power to depose Princes, and the new Oath of Allegiance established heere in England. Thus therefore hee propoundeth the state of the question betwixt him, and the lower-house of Parliament. ^m

There remains the third point, which is this; whether if Princes having made an Oath to God, and their people, either themselves, or their Predecessours,

I Ioan Paris. taketh indirectly in another sense, then the Diuines doe take it, when they say, that the Pope may depose Princes, not directly, but indirectly.

m Pag. 13. according to the English edition.

Predecessours, to line and die in the Christian and Catholike Religion, and doe afterwarde violate their Oath, rebell against Christ, bidding him open warre, that is to say, fall not onely to open profession of heresie, or Apostacie from Christian Religion, but with all passe to force their subiects consciences, and goe about to plant Arrianisme, or Mahometisme, or any such like insidelluse within their states, and thereby to destroy, and roote out Christianitie: whether, I say, in this case, their subiects on the other side may not bee declared absolved from their Oath of Loyaltie, and Fidelitie: And this comming to passe, to whom it appertaineth to pronounce this absolution.

16 *This then is the point in controuersie betweene vs: For your article containeth the negative; that is to say, that in no case whatsoeuer the subiect may bee absolved from the Oath of Allegiance made to their Princes. As on the contrarie side all other parts of the Catholike Church, together with this of France, since the institution of Schooles of Diuinitie, vntill the coming of Caluin, held the affirmatiue proposition, which is, that when the Prince breakes the Oath he hath made to GOD, and his subiects to line, and dye in Catholike Religion, and doeth not onely become an Arrian, or a Mahometan, but manifestly warres against Iesus Christ, in compelling his subiects in matters of conscience, and constraining them to embrace Arrianisme, or Mahometisme, or any other detestable infidelitie: That then this Prince may bee declared false from his right, as culpable of felonie towards him, to whom he hath made the Oath of his Realme, that is to Christ; and his subiects may bee absolved in conscience, both at the spirituall, and Ecclesiasticall Tribunall, from the Oath of Allegiance they haue made vnto him. And that in this case, it belongs to the authoritie of the Church, resident either in her head the Pope, or in her body a Councell, to publish this declaration. And not onely all the other parts of the Catholike Church, but likewise all the Doctours who lued in France from the first setting vp of Schooles of Diuinitie amongst them, haue held the affirmatiue opinion, that in the case of hereticall, or insidell Princes, and such as persecute Christianitie, or Catholike Religion, their subiects may bee absolved from their Oath of Allegiance. By meanes whereof though the contrarie doctrine were the truest, yet notwithstanding all the other parts of the Church being against it, you cannot hold it for more them problematicall in matter of faith. I call that doctrine problematicall in matter of faith, which we are bound to beleene, by necessity of faith, and the contradictorie thereof doth not bind them that beleene it with Excommunication, and disunion, or separation from the communie. Otherwise you must acknowledge that the communie which you exercise with the other parts of the Church, holding the contrary doctrine, yea euen that communion which you conserue with the memorie of your predecessors, was unlawfull, defiled with heresie and excommunication.*

17 Thus you see, that the *Cardinall of Peron* doth altogether auoide the maine question, which is betwixt my *Aduersaries* and mee, to wit, concerning the *Popes* power to depriue a *Prince* of his *Regall authority*, wherewith before his *sentence of deprivation* he was endued, and ioyneth two questions together, which nothing belong to our new Oath. The first is, whether if a *Prince*, who either by himselfe, or by his *Predecessours*, hath made an oath to liue and die in the Christian Catholike Religion, and afterwards becommeth an hereticke, or infidell, and laboureth to draw his subiects to the same, may not bee declared fallen from his right, as culpable of felony towards *Christ*, to whom he hath made his Oath, and his subiects may not bee declared absolved from their oath of allegiance. The second question is, whether the *Pope* or *Church* haue not authority to publish this declaration. Now neither of these two questions appertaine to our new Oath, nor are as yet called in question by mee. For as concerning the later, supposing that a *Prince* by reason of heresie, or *Apostacy* either is actually depriued, and fallen from his right to raigne, which the *Cardinall of Peron* following therein *Philopater*, seemeth heere to maintaine, or else may for the same be depriued thereof by the *Common-wealth*, no *Catholike* will make any doubt, but that this being supposed, the *Pope*, or *Church*, may declare him an hereticke, or *Apostata*, and consequently to be fallen thereby from his *Royall dignity*, according to *Philopaters* doctrine, or to bee depriued thereof by the *Common-wealth*, as others contend, and to declare that his subiects are either actually discharged, or to be discharged of the naturall and ciuill bond of their temporall allegiance, and consequently of their Oath, or sacred bond, which was made to confirme the same: For no *Catholike* can make any doubt, that to declare the law of God, and who is an hereticke, or infidell, is a *spirituall action*, and belongeth to the *spirituall authority* of the *Church*.

18 But with the former question, forasmuch as it may concerne, what authority the *Common-wealth* hath to depriue hir *Soueraigne Prince* of his *Royall right*, in case that he should forsake the Catholike faith, which he hath once professed, although, as I haue often said, I wil not intermeddle, for not giuing my *Aduersaries* occasion, to decline the principall question concerning the *Popes* authority to depriue hereticall *Kings* of their *Regall power*, which they had before his sentence of deprivation, neuerthelesse this scandalous, and desperate position of *Philopater*, against which I was somewhat vehement in my *Apologie*, and yet is quite passed ouer with silence by D. *Schulkenius* (which may bee some coniecture, that hee also fauoureth that doctrine, to wit, that a *Prince*, who maketh open profession of *Arianisme*, or *Mahometisme*, or any such like infidelitie, and goeth about to plant the same within his dominions, doth fall thereby ipso facto from

his *Regall authority* and right to raigne, albeit either himselfe, or his predecessours, haue made an *oath* to liue and die in the Catholike faith, I account to be a very false, damnable, and seditious doctrine, tending to the perturbation and subuersion of all temporall States, wherein there is not a perfect vnitie of Religion, giuing occasion to hereticall and infidell Princes not to become *Catholikes*, fauouring that damnable doctrine, which teacheth, that among heretickes, and infidells there is no true ciuill dominion, authoritie, or Iurisdiction: and what *Romane Catholike* for euer hee be that maintaineth and teacheth the same in this kingdome, I account him, to speake plainly, a manifest *Arch-traitor*, for that hee must consequently maintaine, that our *Soueraigne Lord KING JAMES* is not our true, and rightfull King, because albeit not he himselfe, yet some of his predecessours, haue solemnly sworne to liue and die in the *Catholike Romane faith*.

19 For seeing that by Gods permission *heresies must be*, according to that of Saint Paul, 1. Cor. 11. *Oportet & hereses esse*, what State can be secure from continuall feares of tumults, and insurrections, when the subiects according to this doctrine must be perswaded, that their Prince, if hee be of a contrary Religion to that which they in their hearts professe, and thinke to be *Catholike*, and seeke to draw them to his Religion, as all Princes vsually doe, is not a true, and rightfull Prince, but false from his right to raigne, and by their Church (which they, as also all heretickes thinke to be the true *Catholike Church*) may be declared so to be? With what security can any King, whether he be a *Catholike*, or no, permit in his dominions any Religion contrary to his owne, when his subiects of the contrary Religion must be perswaded, that he is false from his right to raigne, if hee seeke to draw them, as all Princes vsually do, to his owne Religion? With what security also can any hereticall, or infidell Prince, whose kingdome is wholly, or for the greatest part infected with *heresie*, or *infidelity*, become a *Catholike*, and seeke to draw his subiects to Catholike Religion, when his subiects, who are no Catholikes, must according to the principles of this doctrine be perswaded, that he is a rebell to God, and an enemy to that Religion, which they thinke to be true, and hath broken the oath, which he, or some of his predecessours haue made, to liue and die in their faith and religion, and consequently is fallen from his right, as culpable of felony towards God, to whom hee hath made the oath of this Realme?

20 Besides, this assertion fauoureth that false, nor to say, erroneous doctrine, which teacheth, that *ciuill dominion is founded in grace, or faith*, & that in heretickes, or infidells, especially who seeke to draw their subiects to their heresie, or infidelity, as all heretickes, and infidels commonly doe, there is no ciuill authority, dominion, and iurisdiction.

From

From whence it followeth, that the Jewes persecuting *Christ*, and Christian Religion, lost thereby, *ipso facto*, their ciuill dominion, and all those *Romane Emperours*, who either being *Pagans*, or *Arrians*, did persecute the Church of *Christ*, were not true and rightfull Emperours, but false from their right, as being culpable of felony towards *Christ*, bidding him open warre, and compelling their Christian subjects to rebell against *Christ*, and to embrace heresie, or infidelity, and seeking thereby to destroy, and roote out Christianity. For this declaration of the *Pope*, or Church, which the *Cardinall* mentioneth, doth not deprive them of their right to reigne, but supposeth them deprived thereof, and serueth onely to make it certainly knowne, that they are not rightfull Kings, but by their heresie, or infidelity to which they seeke to draw their subjects, to be actually false from all Royall right and authority. From whence it followeth, that this declaration is not necessary in euident and manifest, but onely in doubtfull cases, as also in all vowes, and oathes when it is euident, that one is not bound to obserue the vow, or oath, there needeth no dispensation (which, according to the *Thomists* doctrine, is onely a declaration concerning the matter of the vow, or oath) but onely when it is doubtfull, or not certaine, whether the thing which is sworne or vowed, bee now a sufficient matter of an oath, and vow, or no. Whereupon experience teacheth, that when a King either for age or infirmities doth publickly resigne ouer to this sonne, and heire, not onely the administration, but also all his Kingly authority, and right to reigne, the subjects neede not to procure any declaration, dispensation, or absolution of the *Pope*, or Church, from the oath of their temporall allegiance, for that it is now euident, that their temporall allegiance to their former King ceaseth, and is no sufficient matter of an oath, and consequently their oath is void, which was made to confirme the same.

21 And albeit the *Cardinall* in propounding the state of his question maketh mention of an Oath, which *Princes*, either themselves, or their predecesours haue made to God, and their people to liue and die in the Christian Catholike faith, as though the breach of this promise and oath were the chiefe, or onely cause, why hereticall, and Apostata *Princes* seeking to draw their subjects to their heresie or Apostacie, doe fall from their Royall right, yet in my opinion this oath, which the *Cardinall* hath put downe in the state of his question, is a meere cloake, and colour to cast ouer the eyes of the vnlearned, and to make his doctrine, and position to seeme the lesse improbable, and yet it doth not take away the improbabilitie thereof. For first, if this oath, which Christian *Princes*, or their predecesours haue made to God, and their people to liue and die in the Catholike faith, be the onely effectual cause, why Christian *Princes* doe fall from their Royall right, and

their subjects absolved from the bond of their temporall allegiance, and consequently from the oath, or sacred, and spirituall bond, which was made to confirme the same, then if a *Prince* become an *Arian* or *Mahometan*, or professe any other heresie, or infidelity without drawing his subjects to the same, he doth neither fall from his *Royall right*, nor his subjects are thereby absolved from the bond of their naturall and ciuill allegiance.

n See Summ.
in 3. par. 3. 71.
art. 1.

22 *Secondly* all *Christians* do in baptisme according to the opinion of some *Diuines*, & also ancient *Fathers*ⁿ, make a certaine vow and promise to liue & die in the Christian Catholike faith; & yet I think neither the *Cardinall*, nor any other learned man will affirme, that if they break this vow or promise, & forsake the Catholike faith, they are fallen thereby *ipso facto*, from that ciuill dominion, right, power, & authority, which they did not receiue by Baptisme, or by making that vow or promise to liue & die in the Christian Catholike faith. *Thirdly*, no promise, vow, or oath to do any thing, doth *ipso facto* deprive any man of any ciuill right, authority, dominion, or iurisdiction, vnles that ciuill right or authority be giuen, or receiued with a condition, and couenant, that if hee doe not performe that oath, or promise, hee shall forthwith fall *ipso facto* from his right dominion or iurisdiction: but no probable shew, or colour of an argument can be brought to prooue, that *Christian Princes*, although they, or their predecessours haue made an oath to liue and die in the Christian Catholike faith, haue receiued their kingly power and authority, with this condition and couenant, that if they shall forsake the Catholike faith, they shall forthwith fall from their *Royall dignity*, seeing that this oath, which *Christian Princes*, who come to their Crowne by inheritance, do make to liue & die in the Christian Catholike faith, belongeth only to a certain ceremony vsed at the time of their coronation, whereas all their kingly power & authority, they had before by the right of succession instantly vpon the death of their Predecessor.

23 *Fourthly*, abstracting from all oaths, which *Christian Princes* or their *Predecessors* haue made to liue and die in the Catholike faith, yet if they forsake the faith, which they haue professed in Baptisme, and doe become *Arians*, or *Mahometans*, and seeke to draw their subjects to the same, they doe rebell against *Christ*, and bid him open warre, and doe force their subjects consciences, and goe about to destroy and roote out *Christianitie* within their states, which are the chiefe causes which the *Cardinal* of *Peron* setteth downe in propounding the state of his question, why such wicked *Princes* doe fall from their *Royall right*, or, which is all one, are *ipso facto*, and actually deprived thereof: And therefore that Oath, which he mentioneth, to liue, and die in the Catholike faith, is onely a shift, and colour to make some shew of a faigned contract and couenant betwixt the King and his subjects, that if he forsake the Catholike

tholike faith, he shall forthwith fall from his *Royall* dignity, seeing that the chiefest reasons of the *Cardinall*, why hee doth fall from his *Royall* right, are of force, although no such oath or couenant be supposed.

24 *Fifely*, albeit we should graunt, which cannot in my iudgement with any probable argument be prooued, that Christian *Princes*, or their predecessours, doe make an oath to God, and their people, with an expresse condition, pact, or couenant, that if they forsake the Catholike faith, they shall forthwith fall from their *Royall* dignity, and be *ipso facto* depriued thereof, yet supposing that in heretikes and infidels, although they seeke to draw others to their heresie, & infidelity, there is true ciuill power, dominion, and iurisdiction, no learned man can make any doubt, but that as it was in the power of that hereticall or pagan Kingdome, or Commonwealth, to make, or admit, confirme, & approue this pact or couenant established by oath, so it may be released by the same Kingdome or Common-wealth, and also that it may be truly presumed, that they doe release the same, if they choose, or admit, confirme, and allow likewise an infidell, or hereticke to bee their King. For if the hereticall or infidell Kingdome, hath true ciuill power, dominion, and iurisdiction, why shall not likewise the hereticall or infidell *Prince*, whom they shall choose, or confirme, be capable of the same ciuill power, dominion, and iurisdiction? So that this pact, couenant, and agreement, which is pretended to be made betwixt the predecessours of an hereticall *Prince*, and his people, can bee no sufficient cause, and ground, to make an hereticall *Prince*, who is chosen, or confirmed by an hereticall Kingdome, to fall from his *Royall* dignity, and be *ipso facto* depriued thereof, for the confirming and establishing of that heresie, which that Kingdome doth professe.

25 Wherefore concerning the depolition of hereticall *Princes*, as the state of this question is propounded by the *Cardinall* of *Peron*, many particular questions are inuolued. The *first* may be, whether a *Prince* hauing either himselfe, or his predecessours made an oath to liue, and die in the Catholike faith, and doe afterwards fall to open profession of heresie, and seeke to force his subiects consciences to doe the same, is fallen thereby forthwith before any declaration of the *Pope*, or *Church*, from his *Royall* right, and dignity, and his subiects are absolved, or freed, *ipso facto*, from the ciuill and sacred bond of their temporall allegiance: and the affirmatiue part, which *Philopater* teacheth and affirmeth to be certaine, and vndoubted, I account to be a very false, scandalous, seditious, yea, and flat traiterous doctrine. The *second* question may be, supposing this damnable doctrine to be true, touching the cause and ground why such an hereticall *Prince* doth fall *ipso facto* from his *Royall* dignity, to wit, whether the breaking of the oath which he, or his predecessours made to liue, and die in the Catholike faith, or

his open profession of heresie, or forcing of his subiects to doe the same, whether. I say, all these, or some of them together may be necessary, or else any one of them bee sufficient that an hereticall *Prince* bee *ipso facto* deprived of his princely power and authority.

26 The *third* question may be, supposing still this false doctrine to be true, whether the *Pope* or *Church* haue authority to declare such a *Prince* to be an hereticke, a breaker of his oath, and promise, and a persecutor or enemy to Christ, and Christian Religion, and consequently to be fallen from all his Princely right : And of this no doubt can be made, supposing the former, seeing that to declare authentically what is *heresie*, & who is infected therewith, is a spiritual action, & consequently belonging to the authority of the *Pope*, or *Church*. The *fourth* question may be, what effect this declaration of the *Pope* or *Church* doth worke, seeing that before this declaration the aforesaid hereticall *Prince* hath lost, and is deprived of all his princely authority, and whether this declaration of the *Pope*, or *Church*, be necessary, when the fact is so notorious, and publike, that no Subiect in the Realme can make any doubt but that the *Prince* is become an hereticke, hath broken his oath to liue and die in the Catholike faith, and doth force his Subiects consciences to follow his heresie : And of this question also no great doubt in my opinion can be made, supposing the former false doctrine to be true, seeing that this declaration doth not deprive the *Prince* of any right at all, but onely serueth to make it knowne, and publike, that he is deprived thereof, and therefore is not greatly necessary, when the fact is so publike and manifest to the view of the whole Kingdome, that no man can make any doubt thereof.

24 The *first* question may be, that supposing such a *Prince* doth not fall *ipso facto* from his Royall dignity, neither by his open profession of heresie, nor by breach of his oath, nor by forcing his Subiects consciences to forsake their Religion, whether the whole Kingdome, or Common-wealth, which the *Parliament* doth represent, hath authority to deprive him of the same ; or, which is all one, whether the whole Kingdome or the King be the supream and absolute temporall Iudge, and Superiour : And this question doth nothing appertaine to the *Oath of England*, and it is grounded rather vpon the principles of morall Philosophie, and Aristotles Politikes, then of *Divinitie*. The last and principall question is, whether the *Pope*, or *Church*, hath authority to deprive such a *Prince* for the aforesaid crimes of his right to raigne, & really, & truly to absolue his subiects from the natural bond of their temporall allegiance, which being once dissolued, the sacred or spiritual bond of the oath of allegiance, which is grounded vpon the former ciuill bond, and obligation, and was made onely to corroborate the same, is forthwith vnloosed, or whether the *Pope*, or *Church*, hath only authority

authority to declare such a *Prince* to be an hereticke, and an enemy to Catholicke Religion, and a breaker of his oath and promise, and to command & compell by Ecclesiasticall censures the Common-wealth, supposing they haue such an authority to depriue him of his Regall power and authority, and consequently to discharge euery subiect from the naturall and ciuill bond of his temporall allegiance, which being taken away, the sacred obligation of the oath, without any other absolution, dispensation, or declaration of the *Pope*, or *Church*, is forthwith dissolued.

28 All these questions the Lord Cardinall of *Peron* doth so cunningly inuolue in his question touching the oath of *France*, that, if wee descend to particulars, I cannot see either what opinion hee doth follow concerning the deposing of hereticall *Princes*, or how his doctrine impugneth our *English* oath, (although he would seeme to disprooue the same) which onely denyeth the *Popes* authority to depriue the *Kings Maestie* of his Royall dignity, and to absolve his subiects from the ciuill bond of their temporall allegiance, and doth not meddle at all with the temporall authority, which a Kingdome or Common-wealth hath to depose their *Prince*.

29 Wherefore these words of the Cardinall of *Peron*, affirming, that not onely all the other parts of the Catholicke Church, but likewise all the Doctours that lined in *France*, from the first setting up of Schooles of Diuinitie amongst them, haue held, that in the case of hereticall or infidell *Princes*, and such as persecute Christianity, or Catholicke Religion, their subiects may be absolved from their oath of allegiance. And againe, saith he (citing *Widdrington* in the margent) The *English* writers, who haue put their hand to pen for the defence of the Oath made by the present King of *England* against the *Pope*, hauing vsed all their endeauour to finde some Doctours, and in particular, *French*, who had held their opinion before these last troubles, could hitherto bring forth neuer any one, neither Diuine, nor Lawyer, who saith, that in case of heresie, or Apostacie from Christian Religion, the Subiects could not be absolved from the oath of allegiance, or from the obligation that they owe to their *Princes*; these his words, I say, doe neither contradict those *English* Catholickes, who defend our *English* oath to be lawfull, nor doe shew, or signifie that *Widdrington* hath not brought any *Diuines* or *Lawyers*, both *French-men*, and of other Nations, who affirme, that the *Pope* hath no authority to depose *Princes*, and to absolve subiects from the bond of their temporall allegiance. For the Cardinals words are to be vnderstood secundum subiectam materiam, according to the matter which he treateth of, and which he would perswade his Reader, the three estates of *France*, endeauoured to establish by their oath, to wit, that the subiects of the King of *France* could not be absolved from the bond of their temporall allegiance by any authority whatsoever, either spirituall or temporall.

30 Now it is euident, that I neither produced, nor intended to produce any *Authors*, who in these generall tearmes expressly affirme, that the Subjects of an hereticall *Prince*, cannot be discharged of their allegiance, neither by the spirituall authority of the *Pope*, nor by the temporall power of the *Common-wealth*, for that it was not my meaning, as being a thing altogether impertinent to our *Oath of England*, to examine what authority the *civil Common-wealth* hath ouer their *Princes* in the case of heresie or Apostacie. For our *oath* onely denieth the *Popes* authoritie to depose our *King*, and to discharge his subiects from their temporall allegiance, and with the authority of the *Common-wealth*, it doth not intermeddle. But that the *Pope* hath no authority to depose temporall *Princes*, and that the spirituall power of the *Church* doth not extend to the inflicting of temporall punishments, as death, exile, imprisonment, deprivation of goods, and such like, but onely to Ecclesiasticall censures; I haue brought many *Authors* both French, and others, to prooue the same, among whom are *Ioannes Parisiensis*, and also *Iacobus Almainus* cited here by the *Cardinall* in his Treatises, *de Dominio naturali, civili, & Ecclesiastico*, and *de autoritate Ecclesie*, where he writeth according to his owne opinion, though not in his Treatise, *de potestate Ecclesiastica*, w^{ch} the *Cardinall* citeth, where he commenteth *Occam*, and speaketh according to *Occams* doctrine; albeit these *Dollars* doe on the other side affirme, that the *Common-wealth* hath authority to depose a wicked and incorrigible *King*, and so that the *Pope* may according to them depose him *per accidens*, as *Ioan. Parisiensis* writeth, or to vie *Ioannes Maior* his words; *applicando actina passinis*, as he that applieth fire to straw, is said to burne the straw, to wit, by perswading, aduiling, commanding, and also by spirituall censures compelling them, who haue authority, to wit, the people, or *Common-wealth*, to depose him, and after he is deposed by the people, or kingdome, by declaring his subiects absolued and discharged from the naturall, and consequently also spirituall bond of their allegiance, but this is impertinent to our *oath of England*, wherein only the *Popes* authority to depose, & deprive our *King* of his *Dominions* by way of iuridicall sentence is denied.

31 Wherefore the *English Translatour* of the *Cardinalls* oration, doth with as great boldnesse, as with little truth shamefully affirme, that this difference is found betwene these two oathes, that whereas the *English* oath in one of the clauses seemes to exclude not only the authoritie of the *Church* ouer *Kings*, but euen of the *common-wealth* also (yea though it should be accompanied with that of the *Church*) that of *France* shoote only at the abnegation of the *Churches* authority: For contrariwise, although the oath of *France* may, as you shall see, at the first sight seeme to deny both the authority of the *Church*, and also of the *Common-wealth*, to depose the *King* of *France*, yet our *Oath* shootes onely at the abnegati-

Ioan. Paris.
de potest. Reg.
& Pap. cap. 14.
o Concil. 2. &
in probat. 2.
conclus.
p Cap. 2.
Maior. in 4.
dist. 14. q. 3.

q In his Pre-
face to the
Reader.

on of the Popes authority to depose our King, and to absolue his Subjects from the bond of their temporall allegiance. For as I haue shewed in my *Theologicall disputation*, our oath doth onely affirme, *that the Pope neither of himselfe, that is, by the spirituall authority which is granted him by the institution of Christ, nor by any authoritie of the Church or Sea of Rome, for that the Church, or Sea of Rome hath no such authority, nor by any other meanes with any other, that is, neither as a totall or partiall, as a principal or instrumentall cause, hath any power or authority to depose the King, &c.* which last words doe onely at the most import, that whether the temporall *Common-wealth* hath any authority ouer the King, for any cause or crime whatsoeuer, or no, with which question the King and Parliament did not intermeddle, yet the *Common-wealth* hath giuen no such authority to the Pope either by himselfe, or with any other to depose the King, &c.

32 But the oath of France doth expressly affirme, *that there is no power on earth, whatsoever either spirituall or temporall, which hath any right ouer his Maiestties kingdome to deprive the sacred persons of our Kings, nor to dispence, or absolue their subjects from that loyalty, and obedience, which they owe to them for any cause, or pretence whatsoever*: for these be the expresse words of the oath of France, which our *English Translatour*, as it seemes, either hath not seene, or maliciously abuseth his Reader, in affirming so shamefully, that the oath of France shootes onely at the abnegation of the Churches authoritie: which words of the oath of France also the Cardinall of Peron seemeth to vnderstand generally of all temporall and spirituall power whatsoever either out of the kingdome, or of the kingdome it selfe, as both by the propounding the state of his question, and also by the whole drift of his oration any iudicious man may gather: for which cause, as I imagine, he affirmeth, *that our Oath of England is more sweete and modest, or moderate, than that of France.* And truly although the words may seeme to any man at the first sight to haue that sense, which the Cardinall pretendeth, seeing that they expressly deny all power on earth, both temporall, and spirituall, yet both the *Translatour* of his oration applieth them onely to the Popes authority, and also if those words [*which hath any authority ouer his Maiestties kingdome to deprive*] be well obserued, they may in my iudgement haue a very true sense, to wit, that the temporall power, which there is mentioned, is not to be referred to the authority of the kingdome it selfe, seeing that no kingdome hath truly and properly right power and authority ouer it selfe, neither hath the kingdome of France any right ouer the kingdome of France to deprive, &c. Which are the expresse words of the oath of France, and therefore they must be applyed to the temporall power of some other forraine Prince, or Kingdome: and they seeme chiefly to shoot at the abnegation of that doctrine

2 Anno 1561.
in Tract. de Iu-
ribus &c. p. 289

doctrine and position, which *John Tanquereil* by a *Decree* of the *Parliament of Paris* was enjoyned to recall, and to aske pardon of the *King* for his offence in defending the same, to wit, that the *Pope Christy Vicar*, and a *Monarch*, having spiritmall and secular power, hath authority to deprive *Princes*, who rebell against his precepts of their kingdomes, and dignities.

33 But howsoever it be, whether in the oath of *France*, the authority of the temporall *Common-wealth* over the *King* be denied, or no, it is plaine, that neither our *King* and *Parliament*, who established our oath, did intend thereby to meddle with the authority of the *Common-wealth*, but onely of the *Pope*, nor I who disputed of our oath, did meane to treat of any other authority then of the *Pope*, which onely in our oath is denied. And therefore the *Lord Cardinall of Peron*, to impugne the oath of *France* dealeth very cunningly, when he affirmeth, as you have seene before, that *Widdrington* hath not found out one *Authour*, either *Divine* or *Lawyer*, who hath said, that in case of heresie or infidelity, the subjects cannot bee absolved from the oath of fidelity, and the obligation, which they owe to their *Princes*.

34 For albeit I have not brought any one *Authour*, onely *D. Barclay* excepted, who affirmeth these two things together, to wit, that in the case of heresie or infidelity, *Princes* can neither by the authority of the *Pope*, nor of the *Common-wealth* be deposed, and their subjects released of the bond and oath of their temporall allegiance, for that those *Doctours of France*, who absolutely deny the *Popes* authority to depose *Princes*, and to inflict temporall punishments, doe commonly maintaine that the temporall *Common-wealth* may depose their *Prince* for heresie, or infidelity, and consequently discharge the subjects of their temporall allegiance, which being once released, the spirituell bond of the oath made to confirme the same is forthwith dissolved; neuerthelesse I have brought diuers *Authours*, both *Divines* and *Lawyers*, who absolutely and without any exception of heresie, or infidelitie doe in expresse words affirme, though not ioyntly and together, yet severally and apart, that neither the *Pope* hath any authority to depose *Princes*, or to inflict temporall punishments, nor that the *kingdome*, or *common-wealth* hath any power, or authority over their absolute *Prince* to depose him.

35 For among those *Doctours*, who affirme, that the *common-wealth* hath authority over their *Prince* in some cases to depose him, there are many, whom I cited in the former part of this *Treatise*, and also answered all the objections that *D. Schulckenius* hath made against some of them, who doe absolutely, and without any exception affirme, that the *Pope* hath not authority to depose *Princes*, and that the power of the *Church*, doth not extend to the inflicting of temporall punishments,

ments, as death, exile, priuation of goods, imprisonment, &c. which their generall assertion would be false, if the *Pope* had authority to depose *Princes*, and to inflict temporall punishments for any cause, crime, or end whatsoever. For if the *Pope* hath power to inflict temporall punishments for heresie, then it would be true, that the power of the *Church* doth extend to the inflicting of temporall punishments, and if the *Pope* can depose temporall *Princes* for heresie, then it followeth that the *Pope* can depose temporall *Princes*, which those *Doctors* doe absolutely deny.

36 And among those *Doctors*, who are vehement for the *Popes* authority to depose *Princes*, and to inflict temporall punishments, I brought also diuers, who deny that the people, or common-wealth hath authority to depose their *Prince*. The *Pope* onely hath authority to depose, or depose Emperours, Kings, and *Princes*, saith Bartholus, Baldus, and Petrus Andreas Gambara. And Gregorius, Tholosus, albeit a French *Doctour*, yet denieth that the people, or common-wealth hath authority to iudge, punish, or depose their *King*. And therefore he doth not approoue that fact of the *Peeres* of France in depriuing Childerike, and expressly affirmeth, that Pipin vsurped the *Kingdome*, and he reprehendeth also the *Pope*, who called, saith he, Pipin into Italy to helpe him against the Longobards, and when he came he absolved him from the oath he had made to his *King* Childerike, being neither heard, nor called, nor defended, nor accused, as Abbas Vspergensis, and Entropius doe affirme, and afterwards he saith, that the *Pope* might bee deceived in his opinion, for that hee would reward Pipin bringing an army in his defence, with the hurt of another. And this in my iudgement is one of the chiefe causes that moued the other French *Doctors* to be commonly of this opinion, that the common-wealth may depose their *King* in some cases, to excuse that fact of the French *Peeres* in deposing Childerike their true and rightfull *King*.

37 Also Alexander Carerius a vehement defender of the *Popes* direct power in temporalls, in fauour of the *Canonists* against Cardinall Bellarmine, is of the same opinion: Hee that hath no Iudge vpon earth, saith he, we must confesse that many Iudges cannot Iudge. For in denying a singularitie by a collectiue and generall word, pluralls are accounted to bee denied. It is manifest therefore, as hath beene said before, that the Barons, and people for want of coactiue power, or authoritie, which Vassalls haue not over their Lord, cannot iudge, nor depose their *Prince*. And in the former Chapter answering the authoritie of Aristotle, The Philosopher, saith he, speaketh of a *King*, who is instituted by the election of the *Communitie*, for such a one is punished and deposed by the *Communitie*, which doth principally institute him, as the Venetians, and people of Genoa, who choose to themselves a Duke, and if he offend against the common-wealth hee may depose him.

u In Apol. 411.

Barth. in leg. si Imperator. Cod. de Legibus nu. 4. Bald. in proemio ff. veteris. Gambara in tract. de officio et potest. legati l. 2. tit. de varijs ordinarijs. li. nu. 220. Gregor. Thol. l. 26. de Rep. c. 5. nu. 14. 24. 25.

Carer. l. 2. de Rom. Pot. c. 2. 3.

x Cap. 31.

y Apol. nu. 5.
& seq. & in
Append. at
Supplicat. calū.
17. nu. 14.

him: But it is otherwise in a King, who naturally, and by succession, and descending of a certaine race doth raigne. And this assertion of *Cacerius*, and others seemeth agreeable to the common doctrine of the ancient Fathers cited by me elsewhere, y who expressly affirme, that Kings and Emperours are inferiour to none, but God, to wit, in temporalls, and that they can bee punished, to wit, with temporall punishments by God alone, to whom onely they are subiect in temporalls. So that you see, how cunningly the *Cardinall of Peron* handleth this controuersie touching the depolition of *Princes*, confounding and inuoluing both questions concerning the authoritie of the *Pope*, and also of the common-wealth to depose *Princes* together in one, and then in affirming, that *Widdrington* hath not brought any one *Authour* (only *D. Barclay* excepted) who saith, that *Princes* for heresie cannot be deposed, to wit, neither by the *Pope*, nor the common-wealth, which is very true, but it is not true that he hath brought no *Authours* who absolutely affirme, that the *Pope* hath no power to depose *Princes*; and that the Ecclesiasticall power of the *Church* doth not extend to the inflicting of temporall punishments.

38 An other cunning the *Lord Cardinall of Peron* may vse in confounding the oath, or religious bond of temporall allegiance with the ciuill, or naturall bond thereof, which perchance he did for this end, that his speech concerning the *Popes* authority to absolue from the oath of allegiance might seeme more plausible to his audience, for that an oath is a sacred, and spirituall thing, and therefore not exceeding the obiect of the *Popes* spirituall power; and all *Diuines* doe hold, that the *Pope* hath authority to absolue from oathes, either by releasing directly the spirituall bond it selfe, or consequently by declaring the thing, which is sworne not to be *hic & nunc*, in this particular case a fit matter of an oath, but temporall allegiance, and temporall kingdomes are temporall things, and therefore that the *Pope* by his spirituall power should haue authoritie to dispose of temporall things, and to absolue from temporall allegiance, and to giue, take away, translate, and dispose of temporall kingdomes, would haue seemed very harsh in the yeeres of the greatest part of true *French-men*.

z In Apol.
nu. 148. 149. y

39 But, besides that, as I haue shewed elsewhere, the *Pope* cannot, according to the doctrine of *S. Thomas*, and his followers, absolue from the oath of temporall allegiance, but by declaring the naturall, or ciuill bond it selfe of temporall allegiance to be voyd, and of no force, and consequently to be no fit matter to be sworne, it little importeth to the maine question, which is betwixt my *Aduersaries* and mee touching the *Popes* power to depose *Princes*, and to absolue subiects from their temporall allegiance, whether the *Pope* can release, or take away the spirituall bond, and obligation of the oath of allegiance, it being

being a sacred and spirituall thing, and made onely to confirme and corroborate the former naturall bond of temporall allegiance. For it doth not follow, as wel noteth *Ioannes Parisiensis*, and I also obserued in my *Theologicall Disputation*,^a that because the *Pope* can release, or take away the sacred, and religious bond of temporall allegiance, he can also release and dissolue the naturall and ciuill bond, wherein all subiects by the law of *God* and nature stand bound to their temporall *Prince*, before they make any oath of temporall allegiance; and very few subiects in comparison of others doe vsually make any such oath of allegiance. And therefore perchance the *Cardinall* would for the cause aforesaid, rather discourse of the *Popes* power to absolue subiects from the oath, that is, the sacred and spirituall bond of temporall allegiance, then to depose *Princes*, and to take away their Crownes, and Regall authority, which being taken away, both their temporall allegiance, and also the sacred and spirituall bond thereof, is by a necessary consequent forthwith dissolued.

37 And to omit diuerse other cunning shifts, which the *Cardinall* of *Peron* hath vsed in his discourse touching the deposition of hereticall *Princes*, and which the *Kings Maiesty* in his answer to the *Cardinalls* oration, hath in my opinion, very cleerely, and excellently discovered; two notable cunnings, or rather fraudes he hath vsed in translating into *French* the decree of the *Councell* of *Lateran*, whereof now wee treat. The first is in translating into *French* those words, *Si Dominus temporalis*, if any *Prince*, whereas it is manifest, that those words, *Dominus temporalis* doe signifie euery *Land-lord*, *Maier*, *Iudge*, *Consull*, *Potesta*, *Gouernour*, *Shiriffe*, *Bayliffe*, *Constable*, or any other inferiour *Officer*, or *Pettie Lord*; and although the *Cardinall* will perchance affirme, that in those generall wordes, *Dominus temporalis*, all *Emperours*, *Kings*, and absolute *Princes* are included, which neuerthelesse I haue aboue confuted, yet to translate those words *Dominus temporalis*, any *Prince*, as though the *Councell* had named *Princes* expressely, and by the name of *Princes*, cannot in my opinion bee excused from an egregious fraud and falshood. The second is, in translating those words, *ut ipse* (*Summus Pontifex*) *Vasallos ab eius fidelitate denunciet absolutos*, that he (the *Pope*) may absolue his subiects from their oath of fidelitie, whereas the words of the *Councel* only are, that he may denounce, or declare his *Vassals* absolued from their fidelitie, which words of the *Councell* doe expressely signifie, that the *vassals* were before absolued from their fidelitie, either by the decrees of *Popes*, or of temporall *Princes*, and that the *Pope* doth onely denounce, or declare them absolued; besides that the word, *vassals*, he translateth, *subiects*, which haue farre different significations, and that word a *fidelitate*, from their fidelitie, he translateth from their oath of fidelitie, which in a *Translator*, who is to set downe not only the

*Ioan. Paris. de
potest. Reg. &
Pap. c. 16. ad. 11
a Cap. 6. sec. 3.*

the sense, but also the words, cannot bee excused from an egregious corruption.

38 *Lastly*, I would gladly be resolved of this question, either by the Cardinall of *Peron*, or any other learned Catholike, whether if the *Doctours* of *Sorbon*, who hold the doctrine of the *Councells* superiority about the *Pope*, to be true and conforme to the word of *God*, and to the definitions of the generall *Councils* of *Constance*, and *Basil*, and consequently the contrary doctrine to be false, impious, and detestable, and contrary to the word of *God*, should make a decree, that all of their *Vniuersity* should in their publike Readings, Disputations, and writings defend it as certaine, that is, should not maintaine or teach the contrary doctrine as probable or in any sort: Or if the *Doctours* of *Mentz*, who are of opinion, that the doctrine for the immaculate *Conception* of the *B. Virgin* is true, conforme to the word of *God*, and to the decree of the *Council* of *Basil*, and that the contrary is false, and against the word of *God*, and consequently impious, and detestable, should also make a Decree, as *Surinus* affirmeth^b they haue done, imitating, saith he, the decree of the *Council* of *Basil*, that is should bee altogether held, that the most blessed mother of *God* was conceived without the spot of original sinne, and did strictly ordaine, that none hereafter should in that *Vniuersitie* be promoted in sacred *Diuinitie*, vlesse he should before by oath make promise, that he would neither maintaine in his minde, nor any wise approoue the contrary opinion: and the same question may be made concerning the *Iesuites* doctrine de *auxilijs gratie*: whether I say it must from hence bee necessarily inferred, that the aforesaid *Doctours* should thereby take vpon them to determine an article of faith, to make a manifest and ineuitable schisme in the Church of *God*, yea and to precipitate men into a manifest heresie, and account the *Pope*, if he should not hold the same, not to bee the head of the Church, and *Christs* Vicar, but an hereticke, and *Antichrist*, and all the other parts of the Church, who should maintaine the contrary, not to bee true parts of the Church, but members of *Antichrist*? Of this question I would gladly be resolved; for the resolution thereof would giue no small light, whereby the iudicious Reader may see, of what force are the chiefest obiections and inferences, that the Cardinall of *Peron* vrgeth against the oath of *France*, and the decree of the *Parliament* of *Paris* made the second of *January* 1615.

39 And thus much concerning the Lord Cardinall of *Peron*, whom in truth I was very loath to mention for the great reuerence and respect, wherewith I honour his *Grace* in regard of the singular gifts of honour, and nature, wherewith he is adorned, but that the defence of truth in this important question, touching our duties to *God* and *Cesar*, and of my innocency, which the slanderous tongues of some haue vniuſly branded with the infamous note of error, and heresie, for
impugning

^b Upon the
yeere 1501.

impugning their new inuented Catholike faith, touching the Popes power to depose Princes; and also the publishing of his oration to the view of the world, wherby many vnlearned Catholikes, not being able to discern his artificiall and cunning manner, both in propounding and handling this dangerous question touching the depolition of Princes, are pittifully deluded, and seduced, haue vrged me thereunto. Now to the matter from whence vpon this occasion giuen me by my *Aduersarie* touching the doctrine of *Ioannes Parisiensis*, I haue made this digression.

40 And as for the matter it selfe, saith Mr. Fitzherbert, ^{c pag. 160. n. 7} for the which my *Aduersary* Widdrington produceth their testimonies, (to wit, to prooue, that many decrees of the Popes, and generall Councells touching temporall things haue bene alwaies made with the expresse, or secret consent of Princes) I cannot see what he could gaine, or prooue thereby for the question now in hand, if it should be granted him. For would hee inferre, that because many things haue bene decreed by Popes, and Councells touching temporall matters, therefore no such thing could be decreed in the Councell of Lateran without them? Who seeth not the weaknesse, and absurditie of this inference, seeing that nothing else can follow of those premisses directly, but that, as diuers other decrees concerning temporall matters, haue bene made with the consent of the Princes, so also it may be, that this Canon of the Councell of Lateran was made in like manner with their consent; which no man will deny; yea wee willingly grant not onely that it might bee so, but also that it was so, and inferre thereupon, that forasmuch as all Christian Princes gaue their consent to this Canon in that famous generall Councell (which was, as I may say, the Parliament of all Christendome) therefore they are, and euer shall be subiect thereto, except it be repealed by some other generall Councell of like authoritie. But how doth it follow, that because this, and diuers other Canons concerning politicall matters, haue bene ratified by temporall Princes, therefore they could not be lawfully made without their consent? which is the point, that Widdrington must prooue, if he will argue to the purpose. ^{Nu. 47.}

41 But if Mr. Fitzherbert had bene pleased to consider with an indifferent eye my answer, and the principall drift and scope thereof, he might easily haue seene that my answer was good and strong, and the authority which I brought from *Ioannes Parisiensis*, and *Hosiensis*, sufficient to confirme the same. For my principall answer was this, that the decree of the Councell of Lateran did not in those generall words, *Dominus temporalis, Dominus principalis, & non habens Dominos principales*, comprehend absolute Princes, but onely inferior Landlords, Magistrates, or Lords, it being made by the consent and authority of absolute Princes, as ordaining the inflicting of temporall punishments, which to ordaine doth not belong to the spirituall, but onely to the temporall.

temporall power, and that therefore not onely it did not, but also it could not in those generall words comprehend absolute Princes: themselves, by whose authority it was made. And to prevent an objection, which I foresaw some might make, to wit, that the decrees and Canons of Popes and Councils, haue their force to binde from the authority of the Church, and not from the consent, approbation, ratification, or authority of temporall Princes, I gaue the aforesaid answer, that Popes and Councils doe oftentimes ordaine many things, which to ordaine belongeth rather to the ciuill, then to the Ecclesiasticall power, by the expresse or tacite consent of Princes, who are present by themselves, or their Ambassadors, or else presuming, or at leastwise hoping that temporall Princes will ratifie the same: and for the confirmation hereof, I brought the authority of Hostiensis, who affirmeth, that according to the opinion of some Doctors, which also Pope Innocent, & Io. Andreu doe affirme, that the Canon *Ad abolendam, de hereticis*, wherein it is ordained, that if Counts and Barons, Rectors and Consuls of Cities, and of other places doe refuse to take an oath to defend the Church against hereticks, they shall be deprived of their honour, had therefore force to binde, because the Emperour gaue his consent thereunto. And that therefore it is no maruaile if this decree of the Lateran Council, for as much as concerneth the inflicting of temporall punishments, had therefore force to binde, for that temporall Princes consented thereunto.

42 And by this it is cleare, that my meaning was not onely to affirme, that the decree of the Lateran Council, for as much as concerneth the inflicting of temporall punishments, was made by the consent of absolute Princes, onely in that manner as absolute Princes do giue their consent to the making of Ecclesiasticall lawes, and Canons, which doe meerey proceede from Ecclesiasticall or spirituall authority, but also that it was made by the consent and authority of absolute Princes, for that to ordaine the inflicting of temporall punishments belongeth rather to the Ciuill, then to the Ecclesiasticall power, and therefore it would not haue had force to binde, vnlesse absolute Princes had consented thereunto: As likewise the Canon, *Ad abolendam*, wherein temporall punishments were inflicted, was therefore of force, according to the opinion of some Canonists, as Hostiensis relateth, for that the Emperour consented thereunto, although the ordaining or inflicting of Excommunication, which in that Canon *Ad abolendam*, was ioyned together with the deprivation of temporall honour, as it is also ioyned in the decree of the Lateran Council, did proceed, and had force to binde, from the spirituall authoritie of the Church, to whom onely it belongeth to inflict Ecclesiasticall Censures.

43 Now Mr. Fitzherbert, is it possible, that you should be so ignorant, as not to vnderstand the force of my answer, and that I brought the

the testimonies of *Ioannes Parisiensis*, and *Hosienfis* to great purpose? Doe not you see what I gaine for the question which is in hand, if you graunt me that the decree of the *Lateran Councell*, as also that Canon, *Ad abolendam*, according to those *Doctours* cited by *Hosienfis*, had their force to binde from the consent of temporall Princes? Can you bee so blinde as not to see, how this inference is not weake, and absurd, but strong and certaine, that because this, and other decrees of *Popes* and *Councels*, concerning the inflicting of temporall punishments were, I do not onely say, ratified by temporall Princes, but had their force to binde from the consent of temporall Princes, therefore they could not be lawfully made without their ratification, and consent, which is the point you say I must prooue if I will argue to the purpose? vnlesse your weaknesse will admit that a law may lawfully or legally be made without that, by vertue whereof it hath force to binde, as those *Canons* cited by *Hosienfis*, *Pope Innocent*, and *Ioannes Andreas* doe affirme that the Canon, *Ad abolendam*, *ideo valuisse quia Imperator, aut Princeps consensu*, Was therefore of force, because the Emperour or Prince gave his consent?

44 And as for that inference you make, that if that Canon of the *Lateran Councell* (which was as it were a Parliament of all *Christendome*) was made by the consent, and I also adde by the authority of all *Christian Princes*, therefore it cannot be repealed, but by some other generall Councell of like authority, although it nothing concerneth the deposition of absolute Princes, by whose authority it was made, but onely of inferiour Landlords, Magistrates, or Lords; yet of what force this inference is, you may for your better instruction see about^d by the doctrine of *Suarez*, who declareth in what manner the law of Nations may in this or that Nation be repealed, for that a law of a generall Councell, made by the consent and authority of all *Christian Princes*, is, as I may say, a law of all *Christian Nations*. d Ch. 8. nu. 27.

45 But let vs goe on, and see how well you prooue that it is absurd to say, that the Canon of the *Lateran Councell*, and diuers other Canons, concerning politicall matters, could not be lawfully made without the consent of temporall Princes. But how absurd is this, saith Mr. *Fischer*^e, it may appeare euen by *Widdringtons* former grant, and express^f doctrine, touching the *Popes* power to command corporall and temporall things, as they serue, or are reduced to spirituall: for this power being spirituall (in respect of the spirituall end whereto it reduceth all temporall things) must needs bee independent of temporall Princes, vnlesse we shall also grant them a supreme spirituall authority. e Pag. 161.
num. 8.
f Chap. 2. num.
1. & 2.

46 But how vaine this inference is I haue clearly shewed before, by declaring the difference betwixt the directive and coercive power, and the proper acts and obiects of them both, which my *Adversary* not distinguishing doth thereby confound the vnderstanding of his vn- g Chap. 6. num.
6 & seq.

learned Reader.² For the *object* of the *spirituall* power as it is *directiue*, or commanding, are all those things *spirituall* or *temporall*, which by the *reference* or *reduction* of them to a *spirituall* end, may become *spirituall* things, to wit, *vertuous* or *vicious* actions, which are the acts & objects of the *spirituall* power, as it is *directiue*, & this *spirituall* power is independent of *temporall* Princes: but the *object* of the *spirituall* power, as it is *coercive* or punishing, are not all *spirituall* things, but onely *spirituall* punishments; and because no *reduction* of *temporall* punishments to a *spirituall* end can make *temporall* punishments to become *spirituall* punishments: therefore *temporall* punishments, although by reducing them to a *spirituall* end, may become *spirituall* things, which are the *object* of the *spirituall* power as it is *directiue*, yet still they remaine *temporall* punishments, and therefore cannot by any *reduction* become the *object* of the *spirituall* power, as it is *coercive*, or punishing; whereupon the *inflicting* of such punishments for what end soeuer they be *inflicted*, must needs remaine dependant vpon the consent and authority of *temporall* Princes. Neither also can my *Aduersary* be so ignorant, as to affirme that *temporall* Princes cannot vse their *supreame* *temporall* power to a *spirituall* end as to the rooting out of heresie, adultery, and all other crimes, vntill we grant them a *supreame* *spirituall* authority.

h Pag 161.
num. 3.

47 Besides that this may be conuinced, saith M^r. Fitzherbert^h, by the practise of all the *primitive* Church in the time of the *Pagan* Emperours, when not onely *corporall*, and *temporall* things were commanded by the Church, but *temporall* and *corporall* penalties ordained without the ratification, or consent of any *temporall* Prince.

This indeed were somewhat to the purpose, if M^r. Fitzherbert could conuince, that in the *primitive* Church before Kings, and Emperours were Christians, *temporall* penalties were not onely commanded, but also ordained as to ordaine is distinguished from to command, for then it must needs follow that the *primitive* Church did not onely command the *inflicting* of *temporall* punishments, without the consent and authority of *temporall* Princes, and that *temporall* punishments were then the *object* of the *spirituall* power, as it is *directiue*, which I neuer denied, but also did *inflict* *temporall* punishments, and that *temporall* punishments were then the *object* of the *spirituall* power, as it is *coercive*, or punishing, which I vtterly denie. Obserue now what *pitifull* arguments this silly man bringeth for conuincing proofes.

e Epist. 2. Calixti, tom. 1. Concil.

48 This may appeare, saith he, by a decree of Pope Calixtus², in the time of the Emperour Alexander Seuerus, whereby as well Lay-men, as Priests, and Cleargie-men were forbidden vpon paine of infamy to make conspiracies against their Bishops.

48 The words of Pope Calixtus to the Bishop of Fraunce, are these: *Wee haue beard that the crimes of conspiracies doe raigne in your parts,*

parts; and it hath beene made manifest unto vs, that their people doe conspire against their Bishops. The subtilty, or malice of which offence is abominable, not onely among Christians, but also among Heathens, and is forbidden by externall lawes; And therefore not onely Ecclesiasticall, but also Secular lawes do condemne them that are guilty of this crime, and not onely those that do conspire, but those also who consent to them. And our predecessours with a great company of Bishops haue commanded all them that are placed in Priestly dignity, or are Clergy-men, to fall from the dignity, which they haue, & haue commanded, that the rest be deprived of Communion, and to be banished from the Church, and haue thought, or iudged all men together of either order to be infamous, & not onely the doers, but those also that consent to them. And a little beneath, And these are not to be admitted to the accusing of any man, nor the word of the, or of excommunicated persons can hurt or accuse any man.

49 But this authority of Pope Calixtus, and all other such like, as of Pope Anacletus, Pope Pius, and others related by Gratian 3. q. 4. are easily answered. For as there are two sorts of Lawes, Courts, or Tribunals, the spirituall & the temporall; so also there are two sorts of infamie, as infamie is taken for a penalty ordained by the law^r, the one is called *infamia iuris Canonica*, infamie of the spirituall Court, by vertue whereof the person made infamous is deprived, and made incapable of spirituall dignities, and his word or testimonie is of no force to hurt any man in this spirituall Court, and for as much as concerneth spirituall dignities, punishments, or Censures, and of this infamy, the aforesaid decree of Calixtus, and all other Ecclesiasticall Canons made by spirituall authority, wherein the penalty of infamie is inflicted, are to be vnderstood. The other infamie is ordained by the Civil law, and is called by the Lawyers, *infamia iuris Civilis*, infamie of the Civil law, or Court, by vertue of which the person made infamous is deprived, or made incapable of Secular dignities, and his testimonie is not admitted to hurt any man in the Civil, and criminall Court, and for as much as concerneth temporal dignities, and temporal punishments. And of this civil infamie, the words of Pope Calixtus are not to be vnderstood. Neither can any man be so senselesse as to conceiue, that the Popes of the primitive Church, declaring those to be infamous, and not to be admitted to accuse or giue testimonie against any man, who did forsake the Christian Religion, & became Apostates, and made conspiracies against Bishops, and excommunicated persons, did intend to make them incapable of Secular dignities, and not to be admitted to accuse, or giue testimonie in the Secular Court, wherein the Popes themselves, and all Christians were punished, and persecuted for Christian Religion, and Apostates and accusers of Bishops were rewarded.

50 The second conuincing prooffe that the Popes of the primitive Church, in the time of the Pagan Emperours, did not onely command,

f Vide Siluest.
verbo infamia.
Greg Tholo.
in Syntag. I. in
lib. 31. cap. 29.
num. 7. and o-
ther Doctores,
Cod. ex cuius
causis infamia
irrogatur, & ff.
de i. qui no-
tantur infamia.

g *Epist. Vrbani*
 t m. 1. Concil.
 c. 17. q. 4.
 can. Attendendum est.
 h Pa. 161. no. 9

but also ordaine temporall punishments, Mr. Fitzherbert bringeth from the authority of Pope *Vrbanus* : & And his Successor *Vrbanus*, saith he, ^hordained in like sort the penaltie of infamy, adding also imprisonment, and perpetuall banishment for such as should goe about to vexe and molest Churches, and to deprive them of their goods, and possessions.

i *Adamii* 224

But this proote is as insufficient as the former : First, for that this *Epistle* of *Vrbanus* is not authentical, but counterfeit and falsely imposed vpon Pope *Vrbanus*, as may euidently appeare by the subscriptions of the *Consulls*, to wit, of *Antoninus*, and *Alexander*, whereas it is euident, as *Baronius*,ⁱ and other Hiltoriographers doe witnesse, that *Antoninus* was slaine in the fourth yeere of Pope *Callixtus* in the yeere of our Lord 224. two yeeres before *Vrbanus* was created Pope.

51 Secondly, for that it is also euident, that the whole *Canon Attendendum*, wherein the penaltie of infamy, imprisonment, and of perpetuall banishment is ordained, as it is set downe, 17. q. 4. by *Gratien*, hath bene thrust in by some one, or other to this *Epistle*, for that it hath no coherence at all with the words of the *Epistle*, which immediately follow, wherein the reason of this decree is giuen, whereas if the whole *Canon Attendendum* be left out, the sense is perfect, and the reason there alledged very apt and sufficient. For what coherence, I pray you, is there betwixt these words of this *Canon*, that if any man molest Churches, he shall be condemned of perpetuall infamy, and bee imprisoned, and banished for ever, with these words, which in the *Epistle* immediately follow, because we ought, according to the *Apostle*, to deliuer such a man to Sathan, that the spirit may bee safe in the day of our Lord, &c. Which neuerthelesse is a very fit reason of that which immediately goeth before this whole *Canon Attendendum*; to wit, that Church-goods ought not to be taken away by any man, and applied to prophane vsu, least they incurre the punishment and death of *Ananias*, and *Saphira*, and which is worse bee made *Anathema maranatha*, and if they shall not fall dead in body, as *Ananias*, and *Saphira* did, yet there soules, which is of more worth then the body doth fall dead, and be separated from the company of the faithfull, and doth slide into the deepest of hell, because, according to the *Apostle*, wee ought to deliuer such a man to Sathan, &c. which wordes, as you see, haue a perfect sense, and giue a very fit reason of the former wordes, if the whole *Canon Attendendum* be left out, and with it there is no sense, and coherence of the words at all.

52 Thirdly, what man can be so simple as to imagine, that either Pope *Vrbanus*, or any other Pope of the primitiue Church in the time of the Pagan Emperours, when not onely the goods of the Church were prophaned, taken away, and spoyled, but also the Christians themselves imprisoned, banished, and put to cruell death, would make a Decree, that whosoever did take away, or prophane the goods of Churches should

should be committed to prison, or perpetually banished, even as if Mr. Arch-Priest should now make a decree, that whatsoever Catholike shall take the oath of allegiance, or repaire to Protestant Churches shall be imprisoned, or perpetually banished: and yet these in my Adversaries judgement, are, forsooth, convincing proofes. Neuertheless this punishment of infamy is to be vnderstood, as I shewed before, of spirituall infamy, to wit, forasmuch as concerneth the spirituall Court: and the penaltie of perpetuall banishment, is to bee vnderstood of spirituall banishment, or of banishment from the Church, as it is expressly affirmed in the decree of his Predecessour Pope Callixtus. And therefore Mr. Fitzherbert may vse some fraud, in vrging from the decree of Pope Urbanus the penaltie of banishment, and in concealing the said penaltie, in the decree of his Predecessour Pope Callixtus, who in expresse words made mention of banishment from the Church.

53 The third convincing proofe, Mr. Fitzherbert taketh from the authority of a Provinciaall Councell^k held at Eliberis^l in Spaine in the time of Constantius, father to Constantine the great, & Galerius, which enacted, that men should abstaine from their wines not only some daies before they received the B. Sacrament,^m but also in time of Lent, and Easter, assigning for the later a yeeres penance, or to pay fine and twentie shillings to the Church, or to the poore: and in another Canon they ordained that Bishops, and their Ministersⁿ might whip husband-men with rods, for great crimes, to make them doe penance against their wills, least they might perish eternally; in which Canons, as also in the former Decrees of the Popes Callixtus, and Urbanus, the penalties imposed were meere temporall, albeit there was not then, as I have said, any Christian Prince to ratifie the same.

54 But this proofe also is as insufficient as the former. First, for that many learned men, as the Reader may see in Binnius, to whom Mr. Fitzherbert remitteth him, doe reiect this Councell, and account it erroneous for decreeing certaine errors: so Melchior Canus, and Cardinall Bellarmine. And although Baronius cited also by Binnius, excuseth the Fathers of that Councell, yet for that they seemed in diuers of their decrees to fauour the errors of Nouatian, which were displeasing to their Successors, his opinion is, that there is no mention made by name of this Synode by ancient writers, and so it did remaine almost abolished; and yet my Adversary will from this Councell bring, forsooth, a convincing proofe.

55 Secondly, for that these two decrees cited hereby by Mr. Fitzherbert, are not placed with the other Canons of the Councell, but are adioyned as certaine fragments belonging thereunto. Wherefore if some Authors, as Vasquez witnesseth, sticke not to affirme, that diuers decrees, which are placed among the Canons of this Councell, were not

^k pag. 162. nu. 9
^l De Consecrat. dist. 1. can. Omnis homo, m Barchard. l. 19. c. 17. & Iuo p. 15. c. 88
^m vide Binnium tom. 1. Concil. in notis in Concil. Eliber. & Baron tom. 2. Annal. anno 305. in fine. n Burchard. l. 11. c. 67. Iuo p. 14. c. 115.

Canus l. 5 de l. c. 4.
Bellar. l. 2. de Imaginib. c. 9.

Vasq. 3. part. disp. 105 cap. 2 tom. 1.

made by the *Councell*, but by some one, or other adioyned afterwards, with farre greater reason it may be said, that these *two decrees*, which by *Binnius* are reputed onely as *fragments*, and not placed among the rest of the *Canons*, were not made by the *Councell*, but adioyned afterwards by some one or other, whom *Burchardus*, *Iuo*, & others following did attribute them to this *Councell*, in that manner as diuers books are attributed to *S. Augustine*, *S. Chrysostome*, and other Fathers, & are printed among their works, & vnder their names, w^{ch} were neuer made by them.

o Whom Binnius in the place above cited calleth a most learned Interpreter.

56 *Thirdly*, for that some learned men, as *Gaspar Louisa*, &c. Collectour of all the *Councells* held in *Spaine*, are of opinion, that this *Councell* was not celebrated in the time of *Constantius*, and *Galarius*, but after the *Councell* of *Nice* in the time of *Constantine* the great: and therefore no conuincing prooffe can bee brought from the authority of this *Councell*, as my *Aduersary* pretendeth, to shew that in the time of the *Pagan Emperours*, temporall and corporall punishments, were not onely commanded, but also ordained by the *Church*, without the ratification and consent of any temporall *Prince*: seeing that, according to the opinion of learned men, this *Councell* was not held in the time of the *Pagan Emperours*, but after the *Councell* of *Nice*, in the time of *Constantine* the great, who, as wee may well suppose, would ratifie whatsoeuer the *Pastours* of the *Church* should thinke expedient, and necessary for the spirituall good thereof, and the eternall saluation of soules.

57 But lastly, from these *two Canons* heere cited by my *Aduersary*, this onely, at the most, can be forcibly deduced, that spirituall *Pastours* haue authority to impose, command, and enioyne temporall and corporall penances, punishments, and afflictions, as to abstaine for certaine daies from carnall copulation, and likewise to fast, to weare haire-cloth, to giue almes, and such like, which was ordained in the first *Canon*, or to beat themselves, or else to suffer themselves for their penance to be beaten with rods, which was ordained in the second *Canon*: and of this I neuer made doubt, but I did euer grant, that the *Church* hath authority by the institution of *Christ* to impose, enioyne, or command temporall and corporall afflictions, penalties, or punishments, but all the difficulty betwixt my *Aduersaries* and mee, is concerning the *coercive*, compulsiue, or punishing power of the *Church*, that is, if they should refuse to obey the commandement of their *Pastours*, and would not abstaine from the acts of matrimony, nor beat themselves, nor suffer themselves to be beaten with rods, with what kinde of punishments could the *Church*, by her spirituall authority, which shee hath receiued from *Christ*, force and compell them therevnto; to wit, whether by inflicting vpon them temporall and corporall punishments, as my *Aduersaries* contend, or only spirituall Censures, by

by depriving them either wholly, or in part of spirituall, or Ecclesiasticall communion, as many other *Catholikes* doe probably according to my doctrine affirme: this is the plaine, and maine controuersie, as I haue often said.

58 Neither can it be prooued by any of these *Canons*, that the *coercive*, or compulsiue spirituall power of spirituall *Pastours*, doth extend to the inflicting of corporall, or temporall punishments, but onely of Ecclesiasticall Censures, as it may sufficiently appeare by the second Canon heere cited, wherein is decreed, that *Si seniores ipsorum colonorum*, &c. If the more ancient of these husband-men (giuing thereby to vnderstand, that the husband-men, who were to be whipped by the *Bishops*, or their *Ministers* for penance, were boyes or youths) shall take it in ill part, or will therefore use any reuenge, or shall presume to defend them, that they be not beaten, they shall be punished with the sentence of Ecclesiasticall Excommunication. Wherefore thole wordes of this Canon, that they may doe penance against their wills, are not to bee vnderstood, against their wills simply and absolutely, by corporall force and violence, which taketh away all willingnesse, for such kind of penance, or satisfaction is not acceptable before almightie God, or of any merite at all before God, but they are to be vnderstood against their wills, *secundum quid*, in some sort, as Merchants against their wills, for feare of being drowned cast their goods into the Sea, to wit, that they shall be compelled to doe penance, and suffer themselves to be beaten against their wills, for feare of being otherwise thrust out of the Church, and deprived of Ecclesiasticall communion, which kinde of compulsion being simply voluntary, and inuoluntarie onely *secundum quid*, may stand with that free will, which is the ground and roote of meritorious, and willing satisfaction acceptable in the sight of God. Neither doth Mr. Fitzherbert by the rest of his examples grounded vpon the authority of the Apostles, prooue any other thing, but that spirituall Pastours may by their spirituall authority, without the consent and authority of temporall Princes impose, enioyne, or command, temporall and corporall penalties, afflictions and punishments, and in this sense ordaine, and depose of them. For thus he writeth:

59 Heere to may be added, saith hee, ¶ the Constitution of the Apostles themselves in their Councell held at Hierusalem, wherein they imposed vpon the Christians a burden (as they called it) whereof part was merely temporall, to wit, to abstaine from blood, and that which was strangled; Vsum est, say they, Spiritui sancto, & nobis, &c. It hath seemed good to the holy Ghost, and vs, to lay no further burthen vpon you, then these necessary things, that you abstaine from things immolated to Idolls, and blood, and that which is strangled, and fornication. Thus said they in their Canon, disposing, as you see, of a temporall thing by their

p See Disputat. Theol. c. 9. sec. viii.

q Pag. 162. nu. 10. 11.

Act. 15.

owne Apostolicall authoritie, without any hope, or expectation of the consent, or ratification of any temporall Magistrate; as they also did the like in the institution of Lent, which, as all the Fathers doe acknowledge, is an Apostolicall tradition, and consisteth in a meere temporall affliction; and the like may be said, not onely of all the examples alledged by mee before, concerning the practise of the Apostles (partly in corporall punishments, and partly in the disposition of temporall things) but also of the custome of the primitive Church, to impose corporall penances consisting in fasting, watching, wearing of haire-cloth, and such like, which albeit they were temporall things, yet were imposed by the Church upon her children, by her owne authority, though alwayes for a spirituall end, to wit, for the good of soules, and Gods greater glory and service.

r See c. 2. nu. 2
3 & 4
l 17 s 6. & 13
t 1. Cor. 6.
u Cyp. epist. 10
ad Clerum.
Tertul. de penit.
cap. 10.

60 Whereupon it followeth, that the Church may also now in like manner dispose of temporall things to the same end, by her owne authority, without demanding the consent, or ratification of any temporall Princes: for no sufficient reason can bee assigned, why the Church could doe it then, and not now; neither yet why it may for a spirituall end punish a man temporally, in his body, by some corporall affliction, and in his honour by infamy, and me in his temporall goods, and state; especially seeing that all temporall goods are inferior to the body, and both body and goods, ordained for the service of the soule, and for spirituall ends; Whereupon, I say, it followeth evidently, that the consent of temporall Princes is altogether needlesse to the validitie of Ecclesiasticall Constitutions concerning temporall things, albeit the Church hath alwayes used to avails her selfe of their authority and power, for the execution of all her Decrees, as well spirituall, as temporall matters, and to that end admitteth, and requireth the assistance of temporall Princes, or their Ambassadors in generall Councils; so as by all this it appeareth evidently, that the Councell of Lateran needed not the consent, or ratification of the Emperour, or other temporall Princes for the validitie of the Canon now in question; and consequently that my Adversaries first answer to the objection proposed by himselfe, is to no purpose.

61 Heere you see, how Mr. Fitzherbert rangeth vp and downe to no purpose, spending many words idly to proove that which no man denieth, to wit, that the Church by her spirituall authoritie may without the consent of Princes command, enioyne, or impose temporall, and corporall penalties, which I have alwaies granted, yet craftily confounding in his inferences ordaining with commanding; disposing with imposing, and punishing temporally with enioyning temporall punishments, which I have ever distinguished. He tooke upon him, as you heard, to convince by the practise of all the primitive Church in the time of the Pagan Emperours, that corporall and temporall things were not onely commanded, but also ordained by the Church without the ratification, and consent of any temporall Prince,

Prince, because a little before ^x he doth acknowledge, *that I doe grant, x See nu. 45.* and expressly teach, *that the Pope hath power to command corporall, and temporall things; as they are reduced to spirituall*, and yet heere hee prooueth nothing else either by the *Constitutions* of the *Apostles*, or by the practise of the primitive *Church*, but that spirituall Pastours may by their ordinary power (for our question is not concerning the extraordinary power which the *Apostles* had to worke miracles) command, impose, and enioyne temporall, and corporall things, as to abstaine from blood, and that which is strangled, from the eating of flesh vpon certaine daies, as in Lent, rather to suffer wrong, and to appoint arbitrary Iudges among themselves to compose quietly their strifes, then to haue recourse to the tribunalls of infidell Iudges, and to doe corporall and temporall penances; and that the *Church* may now also doe the same, and that therefore the consent of temporall *Princes* is altogether needlesse to the validitie of such Ecclesiasticall Canons, and constitutions, which doe onely command, impose, or enioyne corporall, and temporall penances and punishments; and of this no Catholike maketh doubt.

62 But that the primitive *Church*, did by her ordinary power (for of miraculous and extraordinary power, which is not to descend necessarily to Successours, I doe not speake) not onely command, and impose, but also did inflict temporall and corporall punishments without the consent of the party who was punished, and did dispose of temporall things, as to dispose is distinguished from to impose, or command, to wit, by depriving Christians of temporall right, power, and authority, or that the consent and authority of temporall *Princes* is not necessary to the validity of such Ecclesiasticall Canons, and Constitutions, as is this decree of the *Lateran Councell* which is now in question, wherein temporall punishments are not onely commanded, or imposed, but also inflicted, or that the assistance of temporall *Princes*, or their Ambassadors is not onely required in generall Councells for the execution, and not for the confirmation and validitie of such decrees, wherein temporall punishments are inflicted, and temporall things not onely commanded, or imposed, but also disposed of, Mr. *Fitzherbert* hath not brought heere from the practise of the *Primitive Church* so much as any probable, or colourable, much lesse, as he vaunted, any conuincing prooffe: and consequently my first answer to the objection which I propounded, standeth yet firme, and solid, and what he hath objected to the contrary is to no purpose at all.

C H A P. XII.

wherein an other answer of Widdrington grounded vpon certaine Glossers, or Expositours of the Canon Law is confuted, and M. Fitzherberts exceptions against the same are prooued to be fraudulent, and insufficient, and moreover it is shewed, that from no Canon of the Church it can be prooued, that the custome of the Church is to inflict by her spirituall power, I doe not say, to commaund or impose temporall penalties; and the true difference betweene the Diuines, and Canonists concerning the Popes power in temporalls, is declared.

“ I **M**Y second answer to the obiection before mentioned was taken from an exposition of the Glosse vpon the Canon *Adrianus* dist. 63. Where the Pope commaundeth the goods of those who doe violate his Decree to be confiscated, and vpon the Canon, *Delatori* 5. q. 6. where he ordaineth the tongues of calumniators, or false accusers, to be pulled out, or being conuicted their heads to bee stricken off. For to these Decrees the Glosse answereth thus, *Hic docere Ecclesiam quid facere debeat Iudex Secularis*, The Church teacheth here, what a Secular Iudge ought to doe. Which answer of the Glosse may be accommodated or applied to the like Decrees, wherein the sacred Canons doe inflict temporall punishments. And this answer the words of *Siluester* doe also fauour &c. Thus I answered in the foresaid Prefate.

a Pag. 166.
220. I. 2.

2 Now to this my answer M^r. Fitzherbert replyeth, ^a that it is as idle as the former. For although it were true, saith he, that this Glosse were to be vnderstood, as Widdrington would haue it, yet it would not follow thereon, that the same may be truly applied to all other Decrees of the Church, which concerne the imposition of temporall punishments (especially to the Canon of the Councell of Lateran, which ordaineth the deposition of Princes) for this Glosse doth treat onely of such, as are subiect to the iurisdiction of Iudges, and Secular Magistrates, whereas the Canon of the Lateran Councell speaketh of absolute Princes, on whom no Secular Iudge, or Magistrate can execute any penaltie, and therefore there is such disparity in these cases, that the Glosse obiected by my Adversarie Widdrington cannot be iustly applied to both alike.

3 But this Reply of M^r. Fitzherbert is as idle, and insufficient as his former. For first, he supposeth as certaine, that the Councell of Lateran ordained

ordained the deposition of Emperours, Kings, and all absolute Princes, which, as you haue seene, he hath not as yet, by all the helpes hee hath had from Fa. Lessius, sufficiently convinced. Secondly, if we respect the force, and proprieties of the words, these two Canons, especially the former, are, according to Mr. Fitzherberts owne grounds, rather to be understood of absolute Princes then is the Decree of the Lateran Councell, for that the words of these Canons, especially of the former, are generall, and doe not denote titles of inferiour honour, or dignitie: The Pope, saith the Canon Hadrianus, did excommunicate, and commanded, unless hee should repent, his goods to be proclaimed, or confiscated, whosoever should infringe this Decree, whereas the Councell of Lateran doth not speake in such generall tearmes, but onely it mentioneth persons of inferiour state, dignitie, and title, then are Emperours, Kings, and absolute Princes, to wit, temporall and principall Land-lords, Governours, or Lords, or who haue not any principall Landlords, Governours, or Lords about them, but onely Emperours, Kings, or absolute Princes: But the truth is, that both the Decree of the Lateran Councell, and these Canons doe not comprehend absolute Princes, but onely inferiour persons, and subiects.

4 Thirdly, if this exposition of the Glosse is to be approoued, my Adversaries can bring no sufficient reason, why the same may not also be applied to all other such like Canons of the Church, wherein the inflicting of temporall punishments is ordained, and especially to the Decree of the Lateran Councell, to wit, that all such Canons doe onely teach, or declare, what hath beene done, or is to be done by Secular Princes, or their Officers. For, besides that the reason, which here Mr. Fitzherbert bringeth, why the Decree of the Lateran Councell cannot be expounded in this sense, (because saith he, the Canon of the Lateran Councell speaketh of absolute Princes, is a meere *præsumptio principis*, giving that for a reason, which is the maine question betwene vs, and hath not as yet beene sufficiently prooued by him) the words of the Lateran Councell, according to their proper signification doe chiefly import this sense. For the Councell doth not decree, that the Pope may absolue those vassall from their fidelitie, but the words of the Councell onely are, that the Pope may denounce, that is, may declare, or teach, that those vassalls are absolued from their fidelitie, to wit, by the consent, and authoritie of absolute Princes.

5 And if the Glosse, and diuerse other Doctors, whom I related else where; expounding the Canon Alnus, 15. q. 6. wherein Pope Gregory the 7th. in his Epistle to the Bishop of Mentz, affirmeth, that an other Bishop of Rome called Zacharie deposed the King of France from his kingdom, and absolued all the French-men from their oath of allegiance, doe thus interpret those wordes, hee deposed the King, and absolued the Frenchmen, that is, he consented to them that deposed him, and declared him to be lawfully deposed, and the Frenchmen to be lawfully absolued.

b Xpolog. vii.
444.

solued from their allegiance, why may not this Canon of the *Lateran Council* bee vnderstood in this sence, that from that time the *Pope* may denounce, that is declare, and teach, that the *vassalls* of that temporall *Landlord*, *Gouernour*, or *Lord*, who, for neglecting to purge his territories from heresie, is for a whole yeere excommunicated, are absolued from their fealty, and their territories exposed to be taken by *Catholikes*, especially seeing that the word, denounce, or declare is in this Canon exprestly contained?

6 And if any one obiect; that the words of the *Lateran Council* cannot be well vnderstood in this sence, that the *Pope* may denounce, that is, may declare, and teach, that the *vassalls* are absolued from their fealty, to wit, by force of some temporall law, or constitution, made by the consent and authority of absolute *Princes*, for that before this *Councell* of *Lateran* there was no such decree or constitution of temporall *Princes*, by vertue whereof the *vassalls* of such a temporall *Land-lord*, were absolued from their fealty, and therefore those words of the *Councell* are so to bee vnderstood, that the *Pope* may not onely declare and teach that they are absolued, but also really absolue such *vassalls* from their fealty. To this obiection I answere, that albeit I haue not seene any such temporall law, or *Constitution* of any temporall *Prince*, before it is was enacted by *Frederike* the second *Emperour* five yeeres after this *Lateran Council*, by vertue whereof such *Vassalls* are absolued from their fealtie, yet wee finde, that *Pope Gregory* the seuenth, long before in the Canon *Nos Sanctorum* 15. q. 6. did absolue them, who either by allegiance, or by oath were oblig'd to excommunicated persons, from their oath of fidelitie, to which Canon those wordes of the *Lateran Council*, if they bee vnderstood in the aforelaide sence, may haue reference, but then wee must consequently to our doctrine say, that both this decree of the *Lateran Council*, forasmuch as it concerneth the inflicting of this temporall punishment, and also the Canon, *Nos sanctorum* haue onely force to binde in the territories of the Church, or the *Popes* Dominions, wherein hee being a temporall *Prince* hath authoritie to inflict temporall punishments, or that they haue force to binde by the consent, and authoritie of temporall *Princes*.

7 Neither haue I vsed any fraude in alleading and applying the words of the *Glosse* to my purpose, as *Mr. Fitzherbert* vntruely affirmeth: Besides that saith he, ^b my *Adversarie* *Widdrington* hath vsed no small fraude in the allegation: and application of the *Glosse* to his purpose: for whereas he mentioineth the *Glosse* upon two severall decrees, he setteth downe onely the later, as though the same might serue indifferently for both, and were so meant by the *Glosser*, or that the two Decrees were both of one substance, and nature, as they are not, but farre different, and
it is.

therefore doe require a different consideration.

8 But it is not true, that in setting downe the words of the *later Glosse*, to wit, vpon the *Canon Delatori*, I haue omitted the wordes of the *former Glosse* vpon the *Canon Hadrianus*, seeing that the wordes of both *Glosses* are in substance all one, and haue the same sense, and signification. For the wordes of the *later Glosse* are these: *Sed qualiter dat Papa &c.* But how doeth the Pope make lawes concerning the punishment of blood, against that decree of the Councell of Toledo 23. q. 8. *his a quibus?* But heere the Pope teacheth what the Secular Iudge ought to doe according to the Imperiall law 27. q. 1. *si quis rapueris.* And the wordes of the *former Glosse* vpon the *Canon Hadrianus*, where the Pope commandeth the goods of all thole who doe violate his Decree to be confiscated, are these: *Hic Ecclesia publicat, &c.* Heere the Church doeth confiscate the goods of Lay-men, and sometimes shee deposeth Lay-men from their dignities 32. q. 5. *præceptum in fine.* Or else say, that heere the Church teacheth what ought to bee done: so 24. q. 3. *de illicita*, and 5. q. 6. *Delatori.* Wherefore it is manifest that the wordes of both the *Glosses* haue the selfe same sense, seeing that for the vnderstanding of the *former Glosse*, hee remitteth his Reader to the wordes of the *later Glosse*, vpon the *Canon Delatori*, which I did set downe.

9 Neither did I intend to set downe all the *expositions*, which were brought by the *former Glosse*: It was sufficient for mee to bring that *exposition* of the *Glosse*, which serued to my purpose, to wit, that as the Pope in the *Canon Delatori* ordaining a temporall punishment, though criminall, did according to the *Glosse* teach, and declare what ought to bee done by the *Secular Iudge* according to the Imperiall law, so also the Pope in the *Canon Hadrianus* ordaining a temporall punishment, though ciuill, to wit, the confiscation of goods, did also according to one *exposition* of the *Glosse* teach and declare what ought to be done by the *Secular Prince*, or *Iudge*: and that therefore the same wordes, or *answere* of the *Glosse* vpon the *Canon Delatori*, which I only set downe, to which hee remitteth his Reader vpon the *Canon Hadrianus*, might serue indifferently for both. And although ciuill, and bloodie, or criminall punishments, as criminall is opposed to *Ciuill*, and the decrees which ordaine, and inflict the same, are of a different substance, and nature in particular. yet in generall they are of the same substance, and nature, for that both of them are temporall punishments, and cannot, according to the probable doctrine of many learned Catholikes, be inflicted by the spirituall or Ecclesiasticall, but onely by the ciuill, or temporall power; and that therefore when either of them are inflicted by spirituall Pastours, this proceedeth from the ciuill authoritie, priuiledges, or consent of temporall Princes, or
if

if wee will needes haue such decrees to bee made by true spirituall authoritie, the Church in making such decrees, as well concerning ciuill, as criminall, or bloodie punishments, doeth according to the expositions of the *Glosse* before rehearsed, teach, and declare, what a *Secular Prince*, or *Iudge* ought to doe.

c Page 166.
num. 4.

10 But to the end, saith Mr. Fitzherbert, ^c that the Reader may the better vnderstand this matter, and the true sense, and meaning of these two *Glosses*, it is to bee considered first, that the *Glosses* of the Law being commonly very briefe (and therefore many times obscure) are to bee vnderstood according to the drift, sense, and circumstances, not only of the particular *Canons* glossed, but also of other *Canons*, and *Glosses* in other parts, and places of the Law.

11 True it is, that when the *Glosses*, or expositions of the law are obscure, as being commonly briefe (although not so briefe, and for this respect not so obscure, as the law it selfe, for to little purpose were that *Glosse*, or exposition. which is more obscure then the text it selfe) we must gather the sense, & meaning of such *Glosses* from the drift, sense, & circumstances not only of the particular *Canons* glossed, but also of other *Canons* and *Glosses* of the same *Expositour*, or *glosser*, in other parts, and places of the law; but with this came at and promise, that if the same *Glosser* or *Expositour* bring two diuers or contrarie *Expositions* of the same *Canon*, which are grounded vpon two contrary opinions, we must haue a regard to distinguish these two contrary opinions, and the *Glosses* grounded thereon, and for the vnderstanding of the *Glosse*, or exposition, which supposeth one opinion, not to flye to that *Glosse*, which supposeth the contrary doctrine and opinion, for otherwise we shall make the sense and meaning of the *Glosses* to be more obscure, and intricate, then plaine, and manifest. As for example, if the same *Glosser* or *Expositour* giue two diuers expositions of the same *Canon*, whereof the one supposeth the Pope to haue either directly, or indirectly dominion in temporals, and to haue authority either directly, or indirectly, to dispose of temporals, and to inflict temporall punishment, and the other *Glosse* supposeth that hee hath no such dominion or authority in temporals, for the vnderstanding of that *Glosse*, which supposeth the Pope to haue such a dominion or authority in temporals, wee must not flye to that other *Glosse*, which supposeth that hee hath no such dominion or authority.

d Page 167.
num. 5.

12 Secondly, saith Mr. Fitzherbert, the penalties imposed in the two decrees here glossed, are of different nature and quality, the one concerning onely the confiscation of goods, which is expressly ordained in diuers places of the law; and the other touching onely the effusion of blood by death, or mutilation, which is nowhere ordained, or permitted, but expressly forbidden to all Ecclesiasticall Iudges.

13 But *first*, although it be true that the penalties imposed in these two *Canons* are of different nature, and qualitie in *particular*; for that the one ordaineth a *civill* punishment, to wit, the confiscation of goods, the other a *criminall* penaltie, to wit, the effusion of blood by mutilation, and also death, yet both of them are, as I said before, of the same nature, and quality in *generall*, for that both of them ordaine temporall punishments, which cannot be inflicted by spirituall Pastours, by that authority which they haue receiued from *Christ*, but onely by the authority, priuiledges, and consent of temporall *Princes*, who onely haue authority to inflict temporall punishments, as death, exile, confiscation of goods, imprisonment, and such like. But with all this difference is to be obserued betwixt these two punishments, that although some Ecclesiasticall persons, as diuers *Bishops* of *Germany*, being temporall *Princes*, haue authority to *inflict* both kinde of punishments, and to hang and draw, as our *Englissh* proverbe saith, within their temporall Dominions, yet Ecclesiasticall *lewitie*, as Saint *Leo* saith, doth *shun* these bloody punishments, and the *Canons* of the Church doe forbid Cleargie-men to vse the same and to pronounce the sentence of death against any malefactor whatsoeuer, immediately by themselves, but onely by their Officers. Neuerthelesse, seeing that these Ecclesiasticall persons haue by the grant of temporall *Princes* authority, as we say, to hang and draw, and what their Officers or *Ministers* doe in this case, they doe it by their authority, the aforesaid prohibition of the Church doth not take away, or deprive them of their authority and iurisdiction, but doth onely forbid them to execute the same by themselves immediately, but onely by their Ministers. So that if a Cleargie-man, who is a temporall *Prince*, as are the *Bishops* of *Colen*, and *Ments* should, notwithstanding the prohibition of the Church, pronounce the sentence of death against any malefactor, who deserueth the same, although hee should offend against the prohibition of the Church, yet he should not offend against iustice, vsurping the power which he hath not, & by doing that which for want of temporall iurisdiction he hath no authority to doe, in that manner as an other man, who hauing no temporall iurisdiction, and condemning one to death, should offend.

14 *Secondly* therefore, although I doe not deny, that the confiscation of goods is expressly ordained in diuers places of the *Canon Law*, as also the effusion of blood by mutilation, and death is expressly ordained in this Canon, howsoeuer my *Adversary* very boldly saith, that the effusion of blood by mutilation, or death is no way ordained therein, yet if wee distinguish ordaining from commanding or imposing (because I haue euer granted, that spirituall Pastours haue authority to command, impose, and enioyne, but not to *inflict* temporall punishments) all such *Canons* wherein temporall punishments are *inflicted*, are either an approbation of

of the *Imperiall* law, or a teaching and declaring what ought to be done by the *Secular Prince*, or *Judge*, as the *Glosse* expoundeth both this *Canon*, *Delatori*, wherein the effusion of bloud by death and mutilation is decreed, and also the *Canon Hadrianus*, wherein onely the confiscation of goods is ordained, or they were made and had force to binde by the consent of temporall *Princes*, as other *Dollours*, according to *Hoftrius*, *Ioannes Andreas*, and *Pope Innocent* interpret that so often vrged *Canon*, *Abolendam*, wherein *Earles*, *Barons*, *Gouernours*, and *Consuls of Cities*, and other places, if they neglect to helpe the Church against heretics, are deprived of their honour.

Gerson de po-
test. Eccles. consi-
der. 4.

15 Neuerthelesse these *Canons*, wherein temporall punishments are ordained, for that they are made by sacred, spirituall, or Ecclesiasticall persons, though not by sacred, spirituall, or Ecclesiasticall, but by temporall and ciuill authority, granted them by the priuiledges, gift, or consent of temporall *Princes*, may be called sacred, Ecclesiasticall, and Apostolicall *Canons* according to that which *I. Gerson* writeth that there are some of opinion that Excommunication is the last punishment which the Ecclesiasticall power of Iurisdiction by the first institution of Christ can inflict, so that it is not extended to imprisonment, nor that any man be aduanced to death, or corporall whipping, but when the Ecclesiasticall Iudge doth this, he doth it by the grant of *Princes*, as the *Clergie* by the deuotion of *Princes*, hath receiued great authority of temporall Iurisdiction, which Iurisdiction, or censure is neuerthelesse called spirituall, as also the temporall goods of Ecclesiasticall persons are called spirituall, because they are dedicated and applied to them who serue the Church, as also the breads of proposition, the first fruits, the tithes, also the vessels of the Temple, the Vestments, and such like, were in the old law called sacred, or holy, so also the new law doth obserue the same. Thus *Gerson*.

cPag. 167.
num. 6.
Glosa in verb.
publicat.

16 Thirdly, the *Glosse* it selfe doth teach, saith *Mr. Fitzherbert*, that by the former decree the Church doth ordaine the confiscation of goods, and deposition from dignities, saying; *Hic Ecclesia publicat bona Laicorum, & quandoque deponit à dignitatibus*: Here the Church doth confiscate the goods of Lay-men, and sometimes depose them from dignities. Thus saith the *Glosse* here, which *Widdrington* wholly dissembleth, because it maketh flattery against him, and he taketh hold, as it seemeth, of the words immediately following, though he doe not alleage them; the words are, *Vel dic, &c.* Or say, that the Church teacheth here what ought to be done. Wherein it cannot be with reason imagined that the *Glosse* contradicte the former interpretation, seeing that it teacheth also in many other places that the Church may, and doth vse to impose temporall penalties by confiscation of goods, imprisonment, infamie, and banishment, as it may be seene in the *Glosses*, vpon 17. q. 4. *Attendendum est*, 16. q. 1. *Statutum*, 27. q. 4. *Quisquis*, and vpon the Decree, *Licet. tit. de pœnis*, where

Lib. Detret. cap.
Licet. tit. de
pœnis.

the Glosse affirmeth expressly, that if the Law doe ordaine only a spiritual punishment, or a corporall, the Iudge cannot change it into another, except hee can dispenſe in the crime committed; and that when the Law determineth nothing concerning the penaltie of the crime, it is left to the will of the Iudge, whether he will impose a pecuniarie penaltie or any other; and lastly, when the Iudge can dispenſe touching the crime, he may inflict a penaltie of, or some other. Thus saith the Glosse.

17 But first, it is not true, as you have seene above, that I either omitted to alleadge the second answer of the Glosse vpon the Canon *Hadrianus*, seeing that it is all one with that, which I did alleadge vpon the Canon *Delatori*, to which the Glosse remitteth himselfe for his second answer, or that I dissembled the first answer of the Glosse, which teacheth, that the Church doeth ordaine the confiscation of goods, seeing that I onely intended to bring there, those answers of the Glosse which made for my doctrine, and not those which made against it, as if a man intend only to set downe *Authors*, who fauour any one opinion, may without any dissimulation omit to relate those *Authors*, who are against it.

18 Secondly, is it possible, that Mr. *Fitzherbert* can be so ignorant, as to conceiue, that the Glosse doeth then contradict it selfe, when it bringeth two diuerſe expositions of one text or Canon, which suppose two contrarie opinions of *Dollours*, and whereof the one contradicteth the other? Will hee say, that Cardinall *Bellarmino* contradicteth himselfe when to that text of holy Scripture Iohn 19. *Thou shouldest not haue any power against me, vnesse it were giuen thee from above*, bringeth two answers, or expositions, whereof the one contradicteth the other; the first of Saint *Cyrill*, and Saint *Chrysostome*, that our Sauour did not speake in that place of true power of Iurisdiction, but onely of diuine permission, and the other of S. *Augustine*, and S. *Bernard*, that *Christ* spake there of true power of Iurisdiction: and likewise, when to that text, *I appeale to Caesar* Act. 25. hee answereth first, that Saint *Paul* did appeale to *Caesar de facto, but not de iure*; and secondly that hee did appeale to him both *de facto*, and *de iure*: or when in the same place to another obiection hee giueth two answers, whereof the one contradicteth the other, the first is, that in the old law the kingdome was about the Priesthood, and the second, that the Priesthood was about the kingdome.

19 For this is a most vsuall thing, for the same *Author* to bring to the same Canon, text, or obiection two contrarie answers, when they are grounded vpon two contrarie opinions, whereof both are taught, and maintained by learned men. Wherefore *Ioannes Tentonicus* the Glosſer of this Canon, *Hadrianus*, may without any contradiction bring two contrarie expositions of this Canon, when they are grounded vpon

the doctrine of learned men, whose opinions in that point are one contrarieto the other: As the *first* glosse of this Canon, *Hadrianus*, seemeth to follow the doctrine of those, who hold, that the Ecclesiasticall power can by the institution of *Christ* inflict temporall punishments; and the *second* of those, who holde the contrarie, to wit, that it can onely command, impose, or enioyne temporall penalties, and teach, or declare what a temporall Prince, or Iudge ought to doe, and compell them also to doe their duties, but not by inflicting temporall punishments but onely spirituall, or Ecclesiasticall Censures: and in like manner *Hosienfis*, *Ioannes Andreas*, and Pope *Innocent* before cited brought two contrarie expositions of the same Canon, *Ad abolendam*, which were grounded vpon these two contrarie opinions touching the Popes power to deprive Lay-men of their temporall honour.

20 But the reason of Mr. *Fitzherberts* errour is, for that hee, silly man, seemeth to bee ignorant, how according to the rules of *Logike* modall propositions are *contradictorie* one to the other: for to make them *contradictorie*, the *contradiction* must bee in the *modus*, and not in the *dictum*: as these two propositions are not *contradictorie*, for that both them may be together true, It is the opinion of learned men, that our Sauours words to *Pilate*, *Thou shouldst not*, &c. are to bee vnderstood of true power of iurisdiction, for so teacheth Saint *Augustine*, and Saint *Bernard*: and, It is the opinion of learned men, that they are not to bee vnderstood of true power of iurisdiction, but only of diuine permission, for so Saint *Cyrrill* and Saint *Chrysostome* doe affirme: but to make them *contradictorie*, the *contradiction* must bee in the *modus*, as thus; It is the opinion of learned men, that those words of our Sauour are to bee vnderstood of true power of iurisdiction, and, It is not the opinion of learned men, that they are to bee vnderstood of true power of iurisdiction, for these two propositions cannot bee both true, but if the one bee true, the other must of necessitie bee false, and contrariwise. Seeing therefore that the *Glosse* heere vpon the Canon *Hadrianus* did not intend to bring onely those expositions of this Canon, which were certaine and out of controuersie, but which were agreeable to the doctrine, and opinions of learned men, although the *first* *Glosse* were *contradictorie* to the *second* in the *dictum*, yet because they are not *contradictorie* in the *modus*, for that both of them are approoued by learned men, the *Glosser* cannot be truly said to contradict himselfe in bringing these two contrarie *Glosses* of the same words, both which learned *Authors* doe maintaine.

21 But thirdly, neither can Mr. *Fitzherbert* sufficiently prouue, that the former *Glosse* maketh flat against me, and *contradicteth* the *second* so much as in the *dictum*. For albeit the expresse wordes of the former *Glosse* are these, Heere the Church doeth confiscate the goods of Lay-men,

Lay-men, and sometimes depose them from dignities: Yet these words, *confiscate*, and *depose*, may very well bee vnderstood as the same *Glosse* expoundeth the word *depose*, vpon the *Canon*, *Alius* 15. q. 6. where it is written, that Pope Zacharie did *depose* the King of France; for after the *Glosse* had brought arguments *pro*, and *contra*, for, and against the Popes power to *depose* the Emperour, at the last hee answereth thus, *Hee is saide to haue deposed the King, who consented to them that deposed him*, or, which in sense is all one, as others expound, *who taught, or declared, that hee might bee deposed*: And according to this exposition the later *Glosse* doth not contradict the former, but is rather an explication thereof. For it is all one in sense, to say, that the Church doeth confiscate the goods of Lay-men, and sometimes depose them from dignities, to wit, by consenting to them who doe depose, and confiscate, or, which is all one, by teaching and declaring, that they ought to bee deposed, and their goods confiscated, which is the former *Glosse*, and to say, that the Church doeth teach, or declare, what ought to bee done by the *Secular Prince*, or *Iudge* concerning the deposing of Lay-men, and confiscating their goods, which is the later *Glosse*, and, as you haue seene, all one in sense with the former.

22 Besides, the former of these two *glosses* heere doth only teach, that the Church doeth confiscate the goods of Lay-men, and sometimes depose them from dignities, which I neuer denyed, but that the Church doeth confiscate the goods of Lay-men, and depose them from dignities, by that spirituall power which she hath received from Christ, and not onely from that temporall authoritie, wherewith shee is endued by the graunt, and consent of temporall Princes, this the former *Glosse*, which my *Aduersarie* vntruly saith to bee flat against me, doeth not teach in this place, but rather the flat contrarie: seeing that for prooofe of the aforesaid assertion the *Glosse* alledgeth the *Canon*, *Præceptum*. 32. q. 5. which *Canon* is a decree of the 12. Councell of Toledo in Spaine, which was gathered by the command of King *Eringius*, who confirmed that Decree, and whereat not onely the *Bishops* of Spaine, but also the King, and the Officers of the Kings Pallace were present; and the King himselfe in his speech to the Councell did coniure not only the *Bishops*, but also the Officers of his Pallace to examine, and approue the things, which were there propounded; whereupon not only the *Bishops*, but also 15. Noblemen of the Kings Pallace doe subscribe their names to the decrees of that Councell. ^f And the *Glosse* it selfe expounding those words of this *Canon*, *Præceptum*, ipsi se suis meritis & a Palatinæ dignitatis officio separabunt. It is an argument, saith the *Glosse*, that if any man contemne Excommunication, the *Secular Iudge*, or his Land-Lord hath power to deprive him of his fende, or farmer.

f See Binarius
tom. 3. Concil. in
Conc. Tol. 12.

23 Neither from any decree of the *Canon Law*, or from any *glosse*, or exposition of *Ioannes Tentonicus*, who glossed these decrees collected by *Gratian*, can it be certainly gathered, that the Church by her spirituall power which she receiued from *Christ*, but onely by the grant and authority of temporall *Princes*, may inflict temporall punishments, for of her power to inflict spirituall censures, and also to command, impose, or enioyne temporall penalties, there is no controuersie betweene my *Aduersaries* and me. Neither also from any of those foure glosses here cited by Mr. *Fitzherbert*, to wit, either vpon the Canon *Attendendum*, which Canon as I shewed aboue, is falsly attributed to Pope *Vrbanius the second*, and by all probability the whole Canon *Attendendum*, is forged, and by some one or other inserted into that decretall *Epistle*, which goeth vnder the name of Pope *Vrbanius*, or vpon the Canon, *Statuimus*, or *Quisquis*, or *Licet, de penis*, (which last Canon, *Licet*, is not glossed by *Ioannes Tentonicus*, whose authority I brought vpon the Canon, *Hadrianus*, who expounded only the Decrees collected by *Gratian*, and not the Decretals) can it bee forcibly concluded, that the Church, that is, the spirituall Pastours of the Church may, without the authority and consent of temporall *Princes*, inflict temporall punishments: yea, the first *Glosse* vpon the Canon *Licet, de penis*, here cited by my *Aduersary*, doth clearly fauour my doctrine. For demanding why *Archdeacons* doe exact of Lay-men, a pecuniary penalty, as it is mentioned in that Canon, he answereth, *because perhaps they were under their temporall Iurisdiction, or they haue this by custome*.

24 Neither from the practise of the Church which Mr. *Fitzherbert* doth so inculcate can any thing be convinced against this my doctrine; And hercof, saith hee; the practise is, and hath alwaies been most manifest in the Church, and acknowledged by the Canonists, to be grounded on the Canons, (as partly hath appeared already, and shall appear further^h after a while) and therefore I say that those Glosses objected by *Widlington* must either bee so vnderstood, that they may agree the one with the other, and with the Glosses of other Canons, yea with the generall opinion and doctrine of the Canonists, and with the whole course and practise of the Canon Law, or else they are to be reiected as absurd, erroneous, and false.

25 But although it bee true, that for many hundreds of yeares since that Christian *Princes* haue indewed the Church with great power of ciuill Iurisdiction, the practise of the Church hath bene to inflict pecuniarie mulcts, yet it is not true that it was the practise of the primitive Church to inflict, but onely to command, impose, or enioyne temporall penalties, and this onely can be prooued by any authentickall Canon, as I haue shewed aboue by answering all the Canons which my *Aduersary* hath alleadged. And although also since the time of Pope

Gregory

g Page 168.
num 7.

h *Iofrann. 12.*
13. 14. 15. &
seq.

Gregory the 7. who was the first *Pope* that began to challenge to himselfe authority as due to him by the institution of *Christ*, to *influx* temporall punishments, to *dispose* of all temporals, and to *depose* temporall *Princes*, diuers *Popes*, and other learned men haue with might, and maine by fauours and threatnings laboured to maintaine, and aduance this doctrine, and practise, for which cause it is no maruaile, as I haue elsewhere obserued, ^{i. Apol. nu. 449.} that their opinion hath beene the more common, and generall in Schooles, yet for that it hath beene euer contradicted by Christian *Princes*, and learned *Catholikes*, for which cause *Ioannes Azorius* a learned Iesuite expressly saith, ^{k. Azor. tom. 2. lib. 12. ca. 5. q. 8.} that it hath euer beene a great controuerſie betwixt *Emperours*, and *Kings* on the one side, and the *Bishops* of *Rome* on the other, whether the *Pope* in certaine cases hath right and authority to deprive *Kings* of their *Kingdomes*, and about this the Schoolemen are at variance, and as yet the controuerſie, saith *Trithemius* ^{l. In Chro. monast. Hirsarg. an. 1106. m. De Dominio natur. ciuit. & Eccles. conclus. 2. & in probatione illius.}, is not decided by the Iudge, and very many Doctours, as *Almaine* affirmeth, doe denie that the Ecclesiasticall power can by the institution of *Christ* influx any temporall punishment, as death, exile, priuation of goods, imprisonment, but only spirituall censures: It canot, I say, be truly called the general doctrine and practise of the Church, neither are those *Glosses* and *expositions* of those *Canonists*, who fauour this doctrine, sufficient to decide the controuerſie, neither can the other *Glosses*, and *expositions*, which are grounded vpon the contrary doctrine, and contradict the former *glosses*, without grosse temeritie bee reiected as erroneous, absurd, and false.

26 And truly in my opinion it is greatly to be maruailed, and worthy also the obseruation, that albeit for so many *hundreds* of yeeres both *Popes*, and other *Cleargie* men haue so earnestly laboured to maintaine and aduance this doctrine and practise of *Pope Gregory* the seuenth, touching the *Popes* authoritie to *depose* *Princes*, and to *dispose* of temporalls, which neuerthelſe *Sigebert* did not feare to call a *novelty*, ^{Sigebert. ad annum 1088.} not to say, an *heresie*, yet considering the great opposition, which this doctrine and practise hath euer had, by reason whereof it was behoouing to haue the matter made cleere, and out of controuerſie, yet, I say, there cannot be found any one *Canon*, *constitution*, or *definition* either of *Pope*, or *Councell*, generall, or *Prouinciall*, wherein it is plainly decreed, that the *Pope*, or *Church*, hath by the institution of *Christ*, authoritie to *depose* temporall *Princes*, to *dispose* of temporalls, or to *influx* temporall punishments; but the certaintie of this doctrine must chiefly bee grounded vpon the facts of *Popes*, which how weake a ground it is to prooue a true right, and authoritie, any man of iudgement may plainly see, and I haue also shewed elsewhere.

27 Now then, saith Mr. Fitzherbert, seeing that the *Glosser* acknowledged in his former *glosse*, that the Church doth by the *Canon*, ordaine ^{n. Apol. nu. 444 & seq. o. Page 168. num. 8.}

daine the confiscation of Lay-mens goods, and deprivation of their dignities (which is also confirmed by diuers other Canons and glosses, and the practise of the Church) it cannot, as I haue said, bee imagined, that hee mean to contradict it, by that, which followeth either in the same glosse, or in the other vpon the Canon, *Delatori*.

18 But this hath bene at large already answered, and first, that albeit the former glosse doth acknowledge, that the Church doth by this Canon ordaine the confiscation of Lay-mens goods, and deprivation of their dignities, which is also confirmed by the practise of the Church, yet the former glosse doth not acknowledge, that the Church doth ordaine this by that authoritie, which shee hath receiued from Christ, and not from the grant, and priuiledges of Christian Princes, whereof onely wee now dispute. Secondly, that those words of the former glosse, *confiscate*, and *depose*, may well bee vnderstood in that sense, wherein the same Glosser expoundeth the word *depose*, in the Canon, *Alius* 15. q. 6. and so, as I shewed before, the later glosse doth not contradict the former, but it is rather an explication thereof: and thirdly, that albeit we should grant, that the later glosse, or exposition is repugnant to the former, yet it is no absurdity for the same Glosser, or Expolitour to bring two contrarie glosses, or expositions, when they are grounded vpon the contrary opinions of learned Authours, which may without any error, or absurditie be followed, as I declared aboue by diuers examples.

29 And therefore wee must distinguish, saith Mr. Fitzherbert, betwixt the Canon, and the execution thereof, and say, that when he affirmeth in the former Glosse, that the Church teacheth there what ought to be done, and againe in the later, that the Church teacheth what the Secular Iudge ought to doe, he speaketh onely (as the very words import) of the execution of these two Canons, giving also to vnderstand, that the execution of penall lawes doth belong sometimes to the Secular Iudge, and not to the Ecclesiasticall, especially in cases touching life and death, or effusion of blood; albeit in many other cases the Ecclesiasticall Iudge may not onely ordaine, but also execute pecuniary and other temporall penalties, in which respect the Councell of Trent (which my Adversarie Widdrington, if he be a Catholike, as he pretendeth to be, must needs admit for a lawfull Councell) decreeth, that Ecclesiasticall Iudges shall abstaine from Censures, when they may by their owne authority proceed against the delinquents by reall or personall execution. So as I will conclude, that these glosses, which Widdrington alledge, either doe make nothing against vs, or if they doe, they doe manifestly contradict as well themselves, as other Glosses, and many expresse Canons, and the doctrine of all learned Canonists, yea the whole course and continuall practise of the Canon law.

30 But first, as no man maketh doubt, but that wee must distinguish

guish betwixt *Canons*, or lawes, and the execution thereof, so also no doubt can be made, but that the *Prince*, or *Law-maker* either spirituall or temporall, who hath authority to make the *Canon*, or law, hath also authority to execute the same, for that the executioner of the law is a meere *Minister*, and *Officer* of the *Prince*, who enacted the law: and what he doth, he doth not by his owne authoritie, but by the authority committed to him by the *Prince*: and therefore whatsoever a *Prince* either spirituall, or temporall hath authority to execute by his *Minister*, or *Officer*, hee hath also authority to execute by himselfe. Wherefore seeing that the *Glosser* doth expound these *Canons* alike, as it may appeare by this, that in the second *Glosse* vpon the Canon, *Hadrianus* he remitteth the *Reader* to the Canon, *Delatori*, signifying thereby, that both the Canon, *Hadrianus*, which ordaineth the confiscation of goods, and also the Canon, *Delatori*, wherein the effusion of blood by mutilation and death is ordained, are to bee vnderstood in the same sense, if the meaning of the *Glosse* vpon the Canon, *Delatori*, was onely to teach, that an Ecclesiasticall Iudge could not execute that *Decree*, which ordaineth the effusion of blood, but it must bee executed by a Secular Iudge, his meaning also was in the Canon, *Hadrianus* to teach, that an Ecclesiasticall Iudge cannot also execute that decree, which ordaineth the confiscation of goods, which no man of learning can affirme, for that Ecclesiasticall persons are not by the *Canons* of the Church forbidden to execute decrees, which ordaine the confiscation of goods, but onely those decrees, which ordaine the effusion of blood, albeit by the graunt, and priuiledges of temporall *Princes* they may haue authority to execute the one, and the other.

31 Whereby secondly it is apparant, that the *Glosse* affirming, that the Church in both those *Canons* doth teach what a Secular Iudge ought to doe, did not intend to speake onely of the execution of those *Canons*, for that also a Secular Iudge, whose office is to giue sentence, and to declare the meaning of the law in this particular case, or crime, is not properly an Executioner of the law, because after his sentence, the law may still remaine not executed, but also of the *Decrees* and *Canons* themselues, and of the authority which the Church hath to make such *Canons*, and to teach; that the Church by her proper spirituall power, which shee hath receiued from *Christ*, hath not authority to make *Decrees*, which ordaine the inflicting of temporall punishments whatsoever, whether they bee criminall, or onely ciuill, for that the making of such *Decrees* belong onely to the *Ciuitie*, and not to the Ecclesiasticall power, which according to the doctrine of very many *Doctors*, whom the *Glosser* in the afore said *Glosses* doth follow, is not extended to the inflicting of temporall punishments, but onely of Ec-

clesiasticall Censures, albeit by that ciuill power and iurisdiction, which spirituall *Pastours* haue received by the grant of Secular *Princes* (which their ciuill power and iurisdiction may be also called sacred, Ecclesiasticall, and their owne power) they haue authoritie to inflict as well criminall, as ciuill punishments, notwithstanding the Church hath forbid them to meddle with the effusion of blood. And this temporall and ciuill authoritie and iurisdiction of spirituall *Pastours*, which the prohibition of the Church, as I said before, doth not take away, the *Councell of Trent* calleth their *owne* authoritie, although they haue receiued it not from the institution of *Christ*, but from the grant of Secular *Princes*, in that manner as the temporall goods of Churchmen are called sacred, Ecclesiasticall, and their *owne proper* goods, as I declared a little aboue out of *Gerson*.

32 So as I will conclude, that these two *Glosses*, which I haue heere alledged doe greatly fauour my doctrine, concerning the vncertainty of the *Pope's* power, to inflict by the institution of *Christ* temporall punishments, and doe no way *contradict* the course and practise of the Church, or any Canon thereof, and that albeit they were repugnant to themselves, as also according to a probable exposition of the same *Glosses*, I haue shewed they are not, yet this were nothing to the purpose, seeing that they are grounded vpon two contrary opinions taught, and maintained by learned Catholikes: although I will not deny, that they are repugnant to many other *Glosses*, and to the more common opinion of the *Canonists*, who make the *Pope* a temporall *Monarch* of the whole Christian world, and to haue dominion and authoritie in temporalls not onely *directly*, but also *indirectly*: And therefore the common doctrine of the *Canonists* (who, as *Pope Pius* the fifth did freely acknowledge, doe attribute more authority to the *Pope* then is fit) in points concerning the *Popes* authoritie, especially when they are therein *contradicted* by other learned Catholikes, is but a very weake ground to build any *infallible doctrine*, or point of faith thereon.

q See Nauar.
in c. Nō liceat
x2. q. 2. §.
versio nu. 6

r Pag. 169.
nu 9. 10

f Infra nu 11
& 15.

33 Besides that it is to be considered, saith Mr. Fitzherbert, that it little importeth for our question, whether the Church can execute temporall penalties, seeing it hath the power and authoritie not onely to inflict them, but also to force the Secular Magistrate to execute them, which shall appeare further ^f after a while, and is not contradicted by the *Glosse* objected by Widdrington, except onely concerning the imposition of bloody penalties, which indeed the said *Glosse* doth exclude by an expresse Canon, as we also doe in this question, affirming onely, as I haue said before, that the Church may in some cases both ordaine and execute certaine corporall, and temporall penalties, without the effusion of blood by mutilation or death. And this is so manifest in the Canon law, that truly a man may wonder with

with what face Widdrington can seeke by some peece of an obscure Glosse to ouerthrow the cleere, and manifest sense of the law it selfe, and the euident and ancient practise of the Church, which hee knoweth in his conscience to bee grounded vpon the Ecclesiasticall Canons; but heereby wee may see, that his intent is no other, but to patch vp his pretended probability with shifts and shewes of whatsoeuer hee can wring, and wrest to his purpose.

34 But truly I cannot but maruaile, with what face this man dare so boldly affirme, that it little importeth for our question, whether the Church can execute temporall penalties, or no; yet granting, as you see he doth, that the Church hath power and authority to inflict them (for of the power of the Church to compell or force by Ecclesiasticall Censures the *Secular Magistrate* wee doe not now dispute) seeing that authority to inflict temporall penalties; and to execute them, are either all one, or, if we will distinguish them by taking authority to *inflict* them, for authority to make lawes to *inflict* them, the former doth necessarily inferre the later. For what man euen of meane learning, or vnderstanding can bee so ignorant, as to imagine, that euery Prince either spirituall, or temporall, who hath supreme authoritie to *inflict* any penalties, hath not authoritie also to *execute* the same. Neither can it bee denied, but that the *Pope*, and also other *Bishops* of *Germany*, who are both *Spiritual Pastours*, and also *temporall Princes*, haue authoritie to ordaine, *inflict*, and *execute*, not onely certaine corporall, and temporall penalties, without the effusion of blood, as is the confiscation of goods, but all corporall and temporall penalties, euen with effusion of blood by mutilation, and death. For although they are forbidden by expresse *Canons* of the *Church*, not to concurre to the effusion of blood, yet this prohibition doth not deprive them of any iote of their temporall authoritie, which they did not receiue from the *Church*, but from the grant of *temporall Princes*; insomuch that if contrary to the *Canons* of the *Church* they should pronounce the sentence of death, yea & execute the same vpon any malefactor that deserueth death according to the law, they should not offend against *injustice*, for vsurping that ciuill authoritie, which they haue not, in that manner as another private man, who hath no temporall authority should offend, but against *Religion*, for not obeying the iust commandement of their supreme spirituall Superiour.

35 And this is so manifest in the knowne principles of *Morall Philosophie*, of *Schoole Diuinitie*, of the *Canon*, and Ciuill law; and in the practise of the whole Christian world, that no man of any learning can with any face denie the same. But this is the vsuall trick of my *Adversarie* to blind his *Readers* vnderstanding with the obscuritie of generall words, not distinguishing the true state of the question, and then

then crying out against me, that I denie the Decrees of Generall Councils, the Ecclesiastical Canons, and the practise of the Church, which is a meere fiction of his owne braine: For all the Canons of the holy Church I doe embrace with all dutifull respect, but I doe not understand them alwayes in that sense, as he, and others of his opinion doe expound them, and I doe willingly grant, that the practise of the Church, since she hath beene endewed by Christian Princes with many temporall priuiledges of Ciuill Iurisdiction, hath beene to inflict, and execute certaine temporall penalties without effusion of blood by death, or mutilation, but that which I contend is, that it cannot be sufficiently proved by any Canon, or practise of the Church, that spirituall Pastours doe ordaine, inflict, or execute such temporall penalties by their spirituall authoritie, which they haue receiued from Christ, but onely by their ciuill and temporall power, which hath beene graunted them by the free gift, and liberalitie of temporall Princes. And thus much concerning these two Glosses of Ioannes Teutonicus, vpon the Canon, *Hadrianus, & Delatori*, which without any wringing or wresting of their words, or meaning, I haue shewed to make cleere for my purpose.

36 The second principall exception, which M. Fitzherbert taketh against me in this my second answer to the obiection, which I propounded, is for adding immediately certaine words out of Siluester, as
 “fauouring my aforelaid answer. Also Siluesters words, said I, doe
 “fauour this answer, who writeth thus: *Ioannes Andreas* following
 “*Holistienis*, is of opinion, that a Bishop cannot impose a pecuniarie penaltie
 “vpon a Lay-man, that is not temporally subiect vnto him, but that he ought
 “to make it to be inflicted by the Secular Iudge.

t Pag. 170. m.
12. & seq.

37 Against this M. Fitzherbert obiekteth, that Widdrington hath dissembled that, which immediately followeth in Siluester, to the end that his Reader may suppose, that not onely *Holistienis*, and *Ioannes Andreas*, but also Siluester was of that opinion; whereas Siluester hauing said, that which Widdrington obiekteth, addeth presently, *sed hoc non placet Panormitano*, but this doctrine doth not please *Panormitan*, because when the case is such, that the Iudge doth challenge iurisdiction ouer a Lay-man, there appeareth no reason, why he cannot in the foresaid cases impose vpon him a pecuniarie penaltie, as it may be seene in cap. *Statutus* 16. q. 1. and 27. q. 4. cap. *Quisquis*. Thus saith Siluester alledging *Panormitan*s words, and the Canons, by the which hee pronounceth, that a Bishop may impose a pecuniarie penaltie vpon a Lay-man, that is not temporally subiect vnto him; which Canons are indeede very cleere for that point, especially cap. *Quisquis* 27. q. 4. Where it is ordained, that a sacrilegious person shall pay thirtie pounds of silver to the Bishop, or an Abbot, or any Ecclesiasticall Iudge, to whom the knowledge of the cause shall appertaine, as it may
 appear

appeare both by the Canon, and the Glöffe. Besides that, Panormitan, Panorm. 761 (whom Siluester citeth) teacheth expressly, that when the Bishop proceedeth ^{supra.} iuridically and no certaine penaltie is ordained by the Law; he may impose a penaltie of money, though he cannot doe it; when the Law ordaineth expressly an other, except it be for a crime, wherein he hath power to dispence: for then he may inflict a pecuniarie penaltie, though some other be assigned by the Law, as I haue also shewed before out of the Glöffe in cap. Licet, tit. de penis.

u *Supra*, nu. 6.

38 This being then Panormitans doctrine approued by Siluester (who followeth him altogether in this question) it appeareth that Widdrington might haue easily seene, if it had pleased him, that Siluester doth not any way fauour his opinion; nor impute our doctrine concerning the Popes power to dispose of temporall things in order to spirituall, which is the principall question controuersed betwixt vs. You haue heard before, that Hostiensis expressly teacheth, that the Pope hath power to depose Princes, and Siluester doth the like, being also both of them of the number of the Canonists, who teach, y that the Pope hath a direct Dominion over temporall things, no lesse then over spirituall, and therefore it is euident, that they cannot any way make for my Adversarie Widdrington.

x *Chap.* 11.
nu. 3.y Hostiens. in
cap. Quod su-
per his de vitiis,
Or vitiis re-
dempt.
Siluest. in
Sum. verbo
Papa nu. 1. 11.
¶ 12.

39 But it is vntrue, that I either dissembled, or omitted that which immediately followeth in Siluester, to the end that the Reader may suppose, that not onely Hostiensis, and Ioannes Andreæ, but also Siluester was of that opinion; but the reason why I omitted that, which immediately followeth in Siluester, to wit, *Sed hoc non placet Panormitano*, but this pleaseth not Panormitan, was, for that it did nothing import our question to know of what opinion either Panormitan, or also Siluester himselfe were concerning that point; for that which I intended to proue out of Siluesters words was this, that it is no vndoubted point of faith, but onely an opinion, according to Siluester, that Bishops can inflict a pecuniarie penaltie vpon a Lay-man, that is not temporally subiect vnto them, and the words of Siluester doe sufficiently shew, that it is onely an opinion among the Canonists: and therefore, that either Panormitan, or Siluester, or any other Canonist be of the contrary opinion, it is nothing to the purpose. Neither doth the Canon, *Statutum*, or *Quisquis* cited by Panormitan, and Siluester make against my doctrine, for they doe onely shew that a spirituall Iudge may inflict a pecuniarie mulct, but that he may inflict it by his spirituall authoritie, and consequently vpon Lay-men that are not temporally subiect vnto him without the consent of their temporall Prince, they doe not shew: and the Canon, *Quisquis*, which Mr. Fitzherbert thinketh to be so cleere in this point, is taken out of an Epistle of Pope Iohn the eight, wherein he commaunded, that the decrees of a Councell called *Tresensa* which was approued by authoritie of Lewis the Emperour, should be obserued: and the first Glöffe vpon the Canon *Licet*, tit. de penis, doth expressly fauour

fauour my doctrine, as I haue signified before.

40 And albeit both *Hosienfis*, and *Siluefter* be themselves of opinion, that the *Pope* is by the institution of *Christ* a temporall Monarch of the whole Christian world, and hath *direct dominion*, not onely in spiritualls, but also in temporalls, and consequently that hee may *inflict* temporall punishments, *dispose* of all temporalls, and *depose* temporall *Princes*, for that all Christians both *Princes*, and subiects are, according to their opinion, subiect to him *directly* in temporalls, and so in this point they make nothing for my doctrine, yet they make greatly for my doctrine in this, that by their answeres it may be plainly gathered, that they hold it onely for an *opinion*, as at this present I contend it onely to be, and that other *Authors* doe not agree with them therein, as to the answer of *Hosienfis* to the Canon, *Ad abolendam*, I haue shewed before, and also by this answer of *Siluefter* you may see more cleerely beneath, in this, I say, it is euident, that they greatly make for my doctrine.

2 Pag. 172.
nu. 15, 16, 17.

41 Besides that, it little importeth, saith Mr. Fitzher, whether the Bishop may according to the Canons impose a temporall penaltie vpon such Lay-men, as are not his temporall subiects, seeing he may by the opinion of those three, whom my Adversarie Widdrington alledgeth make it to himselfe by the Secular Iudge, or Magistrate, in which case it is done by the Bishops authoritie, and the Secular Magistrate is but his instrument, and Minister to execute his will. Furthermore, put the case, that the Bishop could not impose a pecuniarie penaltie vpon a Lay-man, that is not his temporall subiect, will Widdrington conclude thereupon, that therefore the Pope may not doe it? Will he be so absurd to restrain the supreme iurisdiction of the Pope to the inferiour power of a Bishop? as well might he say, that a King can doe no more in like case, then an inferiour temporall Magistrate; and that because the Iudge cannot pardon a person condemned, therefore the King cannot doe it; who knoweth not that the Church hath prescribed to her Magistrates certaine limits for the exercise of their authoritie, and iurisdiction, allowing to some more, and to some lesse, which they cannot exceed? Therefore it were absurd to say, that a Bishop cannot excommunicate, because a Parish Priest cannot doe it; But much more absurd, and ridiculous it is to say, that the Pope (who hath plenitudinem potestatis) cannot dispose of temporall things in some cases, because a Bishop cannot impose a pecuniarie penaltie vpon a Lay man; that is not his temporall subiect, as Widdrington seemeth to argue, for otherwise his objection concerning the Bishops power is to no purpose. So as you see vpon what probabilities he grounded his doctrine, being found to be either fraudulent, or impertinent in euery thing that hee undertaketh to answer or object, as you shall also further see by that, which yet followeth for the confirmation of his pretended answer.

42 But Mr. Fitzherbert seeketh still to blind his Readers vnderstanding

standing with a confuse ambiguities of equiuocall words. For although it little importeth, whether a *Bishop* may inflict a pecuniarie penaltie vpon a Lay-man that is not his temporall subiect, or make it to be inflicted by the *Secular Iudge* by forcing the *Iudge* thereunto, not onely by spirituall, but also by temporall compulsion, or coercion, seeing that in this case it is done by the *Bishops* authoritie, and the *Secular Iudge* is but his instrument, and *Minister* to execute his will, yet that a *Bishop* may onely make a pecuniarie penaltie to be inflicted by a *Secular Iudge* by forcing him thereunto by *Ecclesiasticall Censures*, and not by temporall compulsion, this doth very much import, and altogether fauour my doctrine. For I doe not now contend about the Ecclesiasticall power, as by the institution of *Christ* it is directiue, or, which is all one, commanding, imposing, or inioyning, for I doe not denie, as I haue often said, that spirituall Pastours may by their spirituall authoritie command, impose, and inioyne temporall *Princes* to make temporall lawes, as Saint *Ambrose* did the Emperour *Theodosius*, and to inflict temporall punishments in order to spirituall good, in which case those lawes are not made, nor those temporall penalties are inflicted by the authoritie of spirituall Pastours, as though temporall *Princes* were onely their instruments, and *Ministers* to execute their wills, as inferiour *Magistrates* are onely instruments and *Ministers* to execute the will of the *Prince*, but I doe now onely contend about the Ecclesiasticall power, as it is coerciue, or punishing, and I vtterly denie, that it is a certaine, and vndoubted point of faith, that the spirituall coerciue power of the Church doth extend to the inflicting of temporall punishments, but onely of Ecclesiasticall Censures.

43 *Secondly* that fraude and impertinencie, which Mr. *Fitzherbert* doth vntruely attribute to my answeres and obiections, I haue clearly shewed to bee found in euery one of his *Replies*. And as touching that absurditie which he now objecteth against my answer, it is cleere, that the maine question betwixt my *Aduersaries* and me, is not concerning the power, which either the *Pope*, or inferiour *Bishops* haue by the grant, consent and authoritie of temporall *Princes*, I doe not say, to command, impose, or inioyne but to inflict temporall penalties vpon Lay-men, who are not their temporall subiects, but whether any spirituall Pastour, whether he be an inferiour *Bishop*, or also the *Pope* himselte hath by the institution of *Christ* authoritie to inflict such temporall penalties. And indeed my purpose is to conclude, that because it is probable that an inferiour *Bishop* hath no such authoritie by the institution of *Christ* & iure diuino, therefore it is also probable, that the *Pope* iure diuino, and by the institution of *Christ* hath no such authority; and vpon what probability this my consequence is grounded, and how absurdly Mr. *Fitzherbert* condemneth it of ridiculous absurditie, you shall forthwith perceiue.

44 And

Bell. lib. 5. de
Rom. Pont. ca. 3.

44 And first, according to Cardinall Bellarmines grounds, *that which the Pope is in the vniuersall Church, is every Bishop in the particular*, which assertion he brought to prooue, that if the Pope be a direct Lord in temporals of the *vniuersall Church*, then every Bishop is also a direct Lord in temporals of his owne particular Church, or Diocese, which consequent he affirmeth to be manifestly false, and therefore hee denyeth also that the Pope is a direct Lord in temporals of the *vniuersall Church*. Now from the same assertion I may as well conclude, that if the Pope be an indirect Lord in temporals of the *vniuersall Church*, and may inflict temporall punishments vpon all Christians in order to spirituall good, then every Bishop is also an indirect Lord in temporals in his owne particular Diocese, and may in order to spirituall good inflict temporall punishments vpon the Christians of his Diocese, because every Bishop in his particular Diocese is that which the Pope is in the *vniuersall Church*. And therefore to argue according to the rules of Logicke, a destructione consequentis ad destructionem antecedentis, from the overthrowing a denying of the consequent to the denying of the antecedent, If a Bishop in his owne Diocese, cannot, according to the institution of Christ inflict a pecuniarie mulct, or temporall penalty of money vpon those Laymen that are not his temporall subiects, neither can the Pope in the *vniuersall Church* doe the same.

Victoria in re-
lect. 2. de potest.
Eccles.
Castro lib. 2.
de iusta Hæres.
punct cap. 24.
Vasquez. 1. 2.
disp. 152. cap. 3.
num. 28.

a See aboute
cap. 5. num. 10.
Bell. lib. 2. de
Rom. Pont. cap.
12. in fine Edit.
Ingolstadt.
1586.

* A Bishop
(saith Ledef-
ma 1. 4. ar. 11.)
standing in the
law of God hath
as great power
in his Province,
as the Pope in
the whole
world.

45 Secondly, according to the doctrine of the *Divines of Paris*, which others also as *Victoria, Castro, Vasquez*, (although otherwise vehement maintainers of the Popes power indirectly in temporals) doe in this point follow, it is eident, that Bishops doe not receive their authority and Iurisdiction from the Pope, but immediatly from Christ, by vertue of those words, which were spoken to all the Apostles, *Whosoever you shall binde, &c. Matth. 18. And, Whose sinnes you shall forgive, &c. Iohn 19. And, Feede my sheepe, Iohn 20.* Which words, according to the Exposition of the ancient Fathers, * which also Cardinall Bellar. did once approoue, are vnderstood to be spoken also to all the Apostles. Seeing therefore that S. Peter, and the rest of the Apostles, and consequently the Pope, and other Bishops, who succede the Apostles, as they were ordinary Pastors, and had ordinary spirituall power to gouerne the Church, receiued their power and iurisdiction in the selfe-same forme of words, without any limitation or restriction, from hence it clearly followeth, that what Ecclesiastical power & iurisdiction soeuer the Pope receiueth ouer the whole Church, the same power and iurisdiction, if we regard meerely the law of God, and the institution of Christ, other Bishops receiue ouer those who are subiect to their Bishopricke *. So that standing in the law of God, and abstracting from the Canons of the Church, every Bishop may in his owne Bishopricke absolue from all cases, inflict all censures, dispense in oathes, and vowes,

make

make lawes and Canons, no leſſe then the *Pope* may in the *Vniuerſall Church*. And therefore it is no abſurd argument to conclude, that becauſe a *Biſhop* cannot by vertue of that ſpirituell power, which hee hath receiued from *Chriſt*, inflict a pecuniarie penaltie vpon thoſe, that in ſpirituals are ſubiect to his *Diocēſſe*, therefore neither can the *Pope* doe the ſame in the *Vniuerſall Church*.

46 Whereby it is apparant, that the compariſon, which *M. Fitzherbert* heere maketh betwixt a *King*, and an inferiour *Magiſtrate*, or *Iudge*, a *Biſhop*, and a *Parish Prielt*, and betwixt the *Pope*, and other *Biſhops* is idle, and impertinent; for that no man can make any doubt, but that an inferiour *Magiſtrate*, or *Iudge* hath all his authoritie, and iuriſdiction from the *King*, but *Biſhops*, according to the doctrine of many learned men, haue not their authority and iuriſdiction from the *Pope*, but immediately from *Chriſt*, as the *Pope* himſelfe hath: and all *Catholikes* confeſſe, that *Biſhops* are *Peeres*, and *Princes* of the *Church*, and principall *Iudges* in the externall ſpirituell Court, whereas none will acknowledge that *Parish Prielts* are ſuch, and few will grant, that they haue iuriſdiction in the externall ſpirituell Court, but onely in the Court of conſcience. Therefore although it were abſurd to ſay, that becauſe euery *Biſhop* can excommunicate in his owne *Diocēſſe*, therefore euery *Parish Prielt* can alſo excommunicate in his *Parish*, yet as it is not abſurd to ſay, that becauſe the *Pope* can excommunicate in the *vniuerſall Church*, therefore a *Biſhop*, ſtanding in the law of *Chriſt*, can alſo excommunicate in his owne *Diocēſſe*, ſo it is not abſurd, and much leſſe ridiculous, to ſay, that if the *Pope* can inflict a temporall penaltie vpon all *Chriſtians*, euery *Biſhop* alſo, ſtanding in the law of *Chriſt*, can inflict a temporall penaltie vpon thoſe that are ſubiect to his *Biſhopricke*, no more then it is abſurd, or ridiculous for *Cardinall Bellarmine* to ſay, that if the *Pope* hath direct dominion in temporalls, in the *vniuerſall Church*, euery *Biſhop* hath alſo direct dominion in temporalls in his owne particular *Biſhopricke*, for that, according to his doctrine, that which the *Pope* is in the *vniuerſall Church*, is euery *Biſhop* in his particular *Diocēſſe*.

47 And as concerning that plenitude, or fulneſſe of the *Popes* Eccleſiaſtical power, which *Mr. Fitzherbert* with full mouth doth ſo often inculcate, little vnderſtanding, poore man, in what this fulneſſe doth conſiſt, there is a great controuerſie among *Catholikes*, to what things this fulneſſe of Eccleſiaſtical power doth extend. For there is ſo great a controuerſie, ſaith *Almaine*, concerning the fulneſſe of Eccleſiaſtical power, and to what things it doth extend, that there are few things in this matter ſecure, or certaine, inſomuch that it were very neceſſary in theſe times (as *William Occam* in the end of the firſt part of his Dialogue obſerueth) that wiſe men being inforced by oathes, or horrible threatenings

*Almainus de
ambrosio. Eccleſ.
cap. 3.*

nings to speake the truth shou'd declare those things, which belong to the fulnesse of Ecclesiasticall power. And how farre some *Authors*, perchance for flattery to get priuiledges, and benefices, saith *Almaine*, doe straine it to the preiudice of Princes, so that they doe quite ouerthrow the Soueraignty of Princes, you may see in that his Treatise, where hee expoundeth only the doctrine of *Occam*, and how he notwithstanding the fulnesse thereof, in other his bookes, where he speaketh according to his owne opinion, will not haue it to extend to the inflicting of temporall punishments, as death, exile, priuation of goods, or imprisonment; and this, saith he, ^a is the opinion of most *Dollours*.

^a In lib. de dominio nato. C. iu. & Eccl. conit. 12.

48 And also the *Dollours* of *Paris* doe make the power, and Iurisdiction of *Bishops*, standing meereley in the law of *Christ*, to be as full in intension, as is the *Popes* power, that is, abstracting from his *Primacie*, and the fulnesse of his power in extension, for that the *Popes* power is extended to the whole Church, and the power of *Bishops* is limited and restrained to their owne *Bishopricks*, albeit the *Canons* of the Church haue limited, and restrained the fulnesse of *Bishops* power also in intension, reseruing many cases, and Censures to *Papall* authoritie: But standing in the law of *Christ*, *Card. Bellarmine* doeth very well affirme, that euery *Bishop* is that in his owne *Diocese*, which the *Pope* is in the vniuersall Church, which *M^r. Fitzherbert* must first proue to bee impertinent, absurd, and ridiculous; and then let him put those imputations vpon my answer, and the argument which he draweth from thence.

Bell. l. 5 de Rem. Pont. cap. 3.

49 A third principall exception *M^r. Fitzherbert* taketh against that, which in confirmation of my aforesaid second answer I added in these words. Adde hereunto, that whensoever the *Pope* by a generall constitution decreeth any temporall thing (but it pleased my *Aduersarie* to leaue out that word temporall) which is preiudiciall to the right of another man, who is not subiect to him in temporalls, the same decree, as some not improbably doe thinke, doeth only extend, vnlesse the contrarie bee expressed (which last clause also *M^r. Fitzherbert* leaueth out) to the territories of the *Roman Church*, or the patrimonie of *S. Peter*, wherein, as *Pope Innocent* saith, ^b the *Pope* doth exercise the authoritie of a chiefe *Bishop*, and doth execute the power of a *Soueraigne Prince*.

^b Cap. per venerabil.

50 Against this answer *M^r. Fitzherbert* obiectioneth in this manner. ^c Thus *Widdrington* telleth vs, but who these some men are of whom he speaketh or where they affirme this, hee listeth not to tell vs, neither in his text nor in his margent, left by the cases, which they propound, and the circumstances of their doctrine, we might discover his abuse of their testimony: but whosoever they bee, (if there be any such) that giue so generall a rule as hee mentioneth, it must bee considered, whether they speake of constitutions touching matters meereley temporall, or else of penall lawes made a-

^c pag. 173. m. 18. 19.

gains

gainst heresie, or other enormous crimes for the benefit of the whole Church. For no Catholike man, I am sure, hath ever said, or will say, that any generall Constitution of the Pope made for the reformation of faith, or manners, and punishment of delinquents in spirituall matters, is to bee understood to bee restrained to the Popes owne temporall patrimonie: for seeing that hee hath no lesse spirituall authoritie throughout all Christendome, then within his owne temporall dominions, it were absurd, and hereticall to say, that his generall Decrees touching spirituall matters, such as is the extirpation, and punishment of heresie, cannot extend to the whole Church, if they inflict a temporall penaltie to the prejudice of some mans temporall state; for so could not heretikes bee temporally punished, out of the Popes temporall dominions by vertue of the Popes decrees, which neuerthelesse are generally executed, in prejudice not only of the delinquents, but also of their children, and next hires. And this, I say, is so universally practised by the Church, that hee cannot be counted a Canonist, nor yet a Catholike that will deny it to be lawfully done.

Cap. vergenii.
Tit. 7. de haris.

51 But, to omit the egregious fraude, and falshood of this man, in affirming mee to say, that whensoever the Pope decreeth any thing, &c. and leauing out the word [temporall] and also that other clause [unlesse the contrarie be expressed] which were the chiefe points, whereon I did ground that my answer, there is no man of any iudgement, who may not cleerely perceiue, that all those Catholike Doctours alledged by mee heretofore,^d and among the rest, those plerique Doctores, & every many, or most Doctours, whom *Almaine* citeth, and followeth, who affirme, that the Pope by the institution of Christ hath not authoritie to inflict temporall punishments, but onely Ecclesiasticall censures, must consequently holde, that when the Pope by a generall constitution decreeth any temporall thing, as is the inflicting of temporall punishments, for what ende soeuer they bee inflicted, the sayde Decree can bind onely those of necessitie, that belong to the Popes temporall Dominions.

d Apol. nu. 4.
& seq. and in
the first part of
this Treatise.

52 For seeing that as *Suarez*,^e and all other *Dinines* affirme, all lawes enacted by the Pope, as they are merely civil, and temporall, doe bind onely in the Popes territories, and as Mr. *Fitzherbert* himselfe before^f acknowledged, there can bee nothing more cleare, then that all lawes are limited according to the power of the Prince that maketh them, and that therefore the obligation of every Princes lawes is extended onely to his owne subiects, and whatsoeuer is decreed onely by the Popes temporall authoritie, and as hee is a temporall Prince, is a mere temporall thing, and cannot extend beyond the Popes temporall dominions; from hence it cleerely followeth, that what Doctour soeuer affirmeth, that the Pope hath no authoritie by the institution of Christ to inflict temporall penalties, as death, exile, priuation of goods, imprisonments, and consequent

e *Suarez* l. 2.
de Leg. c. 6. &
cap. 8. nu. 3.

f Cap. 9. nu. 15.

ly that the *inflicting* of them is a *meere temporall thing*, and that the decrees, which doe *inflict* them, cannot be made by the *Popes* spirituall, but onely by his *temporall authoritie*, and that therefore they cannot of necessity binde but onely those who are subiect to his *temporall authoritie*, or as hee is a *temporall Prince*, must also affirme, that whensoever the *Pope* by any generall *Constitution* decreeth the *inflicting* of any such temporall penaltie, the saide *Decree* doeth extend onely to the *Popes* temporall Dominions, and comprehendeth onely those, who are subiect to him, as hee is a *temporall Prince*, and endued with temporall authoritie.

53 Wherefore it is neither *hereticall*, nor *absurd* to say, as this foule-mouthed ignorant man affirmeth, that the *Popes* generall *Decrees* touching the extirpation, and punishment of heresie cannot extend to the whole Church, if they inflict a *temporall penaltie*, and that no heretike can bee temporally punished out of the *Popes* temporall dominions by vertue of the *Popes* *Decrees* without the consent and authoritie of temporall *Princes*, for that, according to the doctrine of very many *Dollours*, as I said before, the *Popes* spirituall authoritie doth not by the institution of *Christ* extend to the *inflicting* of temporall punishments, but onely of *Ecclesiasticall Censures*: and that therefore it belongeth only to temporall *Princes* to roote out heresies, and punish heretikes with temporall punishments, and to the *Pope*, as hee is a spirituall *Pastour*, to roote out heresies, and punish heretikes with *Ecclesiasticall*, or spirituall *Censures*. And this I will boldly say, and yet remaine as good a Catholike, yea and a farre better, then *M^r. Fitzherbert* is, notwithstanding all his bigge, and bitter words, if hee build his *Catholike faith* vpon such weake, doubtfull, and vncertaine principles.

54 Whereupon it followeth, that every *Decree*, *Canon*, or *Constitution* of the *Pope*, which ordaineth the *inflicting* of temporall penalties for any crime whatsover, if my *Aduersarie* will needes haue it to be of force out of the *Popes* territories, is either an approbation of some former *Imperiall law*, or is of force by vertue of the consent, and authoritie of temporall *Princes*, or is onely a *declaring*, *teaching*, or *commanding*, what the temporall *Prince*, or *Iudge* ought to doe. Neither doth the *Canon*, *Vergentis*, of *Pope Innocent* the third, which *M^r. Fitzherbert* citeth heere in the margent, any way contradict, what I haue said, but it doth rather confirme the same; for the words of the *Canon* are these, *Wee ordaine, that in the territories subiect to our temporall Iurisdiction the goods of heretikes be confiscated, and in other territories wee command the same to bee done by Secular Potestaes, and Princes, which if perchance they shall bee negligent to performe, wee will, and command, that they be compelled therunto by Ecclesiasticall Censures*, So that this *Canon* doth

doth rather fauour, then contradict what I said, seeing that it distinguisheth the *Popes territories* from other *kingdome*, and signifyeth that the *Pope* in his owne *Dominions* hath authoritie by his *Decrees* to confiscate the goods of heretikes, but in other *kingdomes* he hath no such authoritie, but only to command *Secular Princes* to make such *Decrees* for the extirpation of heresie, and also, if they bee negligent therein, to compell them by *Ecclesiasticall Censures* thereunto. Neither can Mr. Fitzherbert prooue by any one *Canon of Pope*, or *Councell*, or by any generall, or particular practise of the *Church*, that out of the *Popes temporall dominions* any heretike is temporally punished by vertue of the *Popes decrees* without the consent, and authoritie of *temporall Princes*: whereby the *Reader* may plainly see, what an ignorant, vncharitable, and rash headed man is this my *Adversarie*, to taxe so easily, and vpon such vncertaine grounds *learned Catholikes* of heresie, which among all *Christians* is accounted so heinous, and execrable a crime.

53 But his fraude, and ignorance will the more cleerely bee discovered, if wee obserue the difference betwixt the *directiue*, and *coercive* power, and the acts and objects of them both. For the same spirituall action, as *heresie*, *blasphemie*, *sacriledge*, may be forbidden, both by the spirituall, and temporall power, yea also for the same spirituall ende, seeing that *Christian Princes* are bound by the law of *Christ* to referre all their actions, & the vse of their temporall authoritie to *Gods* honour, and glorie, and to the good of their own soules, & of their subiects, and by their temporall lawes to maintaine and aduance *Christian Religion*, and to roote out *heresie*, *blasphemie*, and such like spirituall crimes out of their kingdomes, so that the *directiue*, or commanding temporall power, as I haue signified heeretofore, & may agree with the spirituall in the same acts, objects, and end: but the principall distinction betwixt the spirituall and temporall power is to be taken from both the powers, as they are *coercive*, or punishing, which alwayes haue distinct acts, and objects: for the acts, and object of the temporall power as it is *coercive*, or punishing, are alwayes the *inflicting* of temporall punishments, and of the spirituall, the *inflicting* of spirituall, or Ecclesiasticall Censures; so that the forbidding of heresie vnder paine of incurring Ecclesiasticall Censures, for what ende soeuer temporall or spirituall it bee done, can proceede onely from Ecclesiasticall authoritie, and the forbidding of the same heresie vnder paine of incurring temporall punishments, as death, losse of goods, or of any other temporall thing for what end soeuer it bee inflicted, can proceede onely from temporall, and ciuill authoritie, because according to *Almaine*, and those other many *Dollours* mentioned by him, who were as good *Catholikes*, as M. Fitzherbert is, and farre more learned then hee is euer like to be, the Ecclesiasticall power doeth not by the institution of *Christ* extend to the in-

g Cap. 6. an. 66.
& seq.

sisting of ciuill or temporall punishments, as death, exile, priuation of goods, imprisonment, but onely of Ecclesiasticall Censures, and the other punishments, which she vseth, doe proceede from the pure positive law, or, to vse Gersons words, from the grant of Princes.

56 Lastly, Mr. Fitzherbert excepteth against that which I brought from the words of the *Glosse* vpon the Canon *Per venerabilem*, to confirme the doctrine of those, who affirme, that the Pope hath not authority to make ciuill or temporall lawes, or, which is all one, to ordaine meere temporall things, out of his owne temporall dominions.

“ And these *Antibours* the *Glosse*, said I, vpon the same Canon, *Per venerabilem*, doth seeme to fauour : where it affirmeth, that the Pope cannot legitimate any man who is not subiect to his temporall Iurisdiction, to make him succede in an inheritance as a lawfull heire, for this were to put his sickle into another mans barnest, and to vsurpe another mans Iurisdiction, and to deprive some man of his right to succede, which he ought not to doe ; and therefore he cannot legitimate any man for the Secular Court, vlesse the Prince shall permit, or giue him leaue. But if the Pope cannot legitimate one, who is not legitimate, nor deprive one of his right to succede, I see not by what authority he can make a lawfull and legitimate heire, or Prince to be unlawfull, and not legitimate, or deprive one of his inheritance, which hee lawfully possesseth.

In Page 174.

NUM. 20. to the end.

57 But to this *Glosse*, whose words, as you see, are most plaine, and cleare, Mr. Fitzherbert replyeth ^b, that this my instance or example taken from the *Glosse*, is no lesse impertinent then the former, seeing that it concerneth onely a temporall matter without relation to any spirituall end. And is it possible, saith he, that Widdrington cannot see the difference betwixt these two cases? seeing that the legitimization of bastards to a temporall end (that is, to make them capable of a temporall inheritance) is a meere temporall thing, and therefore requireth the temporall power, and direct dominion of a temporall Prince, whereas the deposition of Princes in this our case having a spirituall end (to wit, the extirpation of heresie, and punishment of sine, to the exceeding great good of soules, and the publike benefite of the Church) is not meere temporall in respect of the spirituall end, and therefore may proceede from the spiritvall power of him, that hath the supream charge of soules, and the government of the whole Church, in whom it may suffice for that purpose to haue an indirect dominion ouer temporall things, to be vsed and exercised in some cases, when the necessity of the Church shall require it.

58 Whereupon it also followeth, that if it were absolutely necessary for the good of the Church, that the Pope should legitimate a bastard to make him capable of succession to a temporall inheritance (as for example, if a Kingdome should otherways fall into the hands or possession of Gods enemies in such a case, I say, he might doe it by his spirituall power, and the indirect dominion

be

he hath over temporall things, as both Lawyers¹ and Diuines teach, and the
 Gloffe alleaged by Widdrington, doth not denie it, affirming onely, that the
 Pope hath no power to legitimate a bastard out of his owne temporall Domini-
 ons to a meere temporall end, which, as I haue said, is a farre different case
 from ours, and not denyed by vs : So as you see still how improbably Wid-
 drington argueth, and how absurdly he hath answered to his owne obiection.
 And this I hope may suffice for the confutation of his second answer. Let vs
 now heare the third.

59 But in this also Mr. Fitzherbert sheweth as much fraude and
 ignorance, as hee hath in the former. For first it is euident, that this
 assertion of the Gloffe. denying the Pope to haue authoritie out of his
 owne temporall dominions, to make one capable of a temporall inheri-
 tance, vnlesse the Prince giue him leaue, is generall, and without any
 relation at all either to a temporall, or spirituall end, and the onely ex-
 ception, limitation, or restriction, which the Gloffe maketh, is, vnlesse
 the Prince permit, or giue him leaue so to doe : which words being so ge-
 nerall doe plainly signifie, that the Pope cannot out of his owne tempo-
 rall dominions make one capable, or incapable of a temporall inheri-
 tance, for any cause, crime, or end whatsoever, vnlesse the Prince permit
 or giue him leaue. And whereas Mr. Fitzherbert affirmeth, that the
 Pope may for a spirituall end, to wit, for that the spirituall good of the
 Church, and the saluation of soules make one capable, or incapable of a tem-
 porall inheritance, this explication corrupteth the text, and is contrarie
 to the plaine words of the Gloffe; for if the Pope, out of his owne tem-
 porall Dominions may for a spirituall end make one capable of a tem-
 porall inheritance, or deprive one of his right to succeed, without the
 Princes leaue, or permission, then it cleerely followeth, that the Pope may
 make one capable of a temporall inheritance, and legitimate him for the Se-
 cular Court, and deprive one of his right to succeed without the Princes
 leaue, or permission, which the Gloffe in expresse words denieth.

60 But secondly, is it possible, that this man cannot see, how
 plainly he contradicteth himselfe, in granting first, that the legitimati-
 on of bastards to a temporall end, is to make him capable of a tempo-
 rall inheritance, and that so it is a meere temporall thing, and therefore re-
 quireth the temporall power and direct dominion of a temporall Prince, and
 afterwards in acknowledging that the legitimati-^{on} of a bastard to make
 him capable of succession to a temporall inheritance, if it were absolutely
 necessary for the good of the Church, may bee done by the Popes spirituall
 power, and indirect dominion, which he hath over temporalls, which is
 plainly repugnant to his former assertion? seeing that no reference, or
 relation of the making bastards capable of a temporall inheritance, to
 the necessary good of the Church, can make, but that according to his
 former grant, it still remaineth a meere temporall thing, and is to a tempo-
 rall

i See Couerra. in
 4 Decret. 2. par.
 §. 8. no. 16
 k Molina. Tom.
 1. de Iustis.
 Disp. 137.

all end, that is, saith hee, to make him capable of a temporall inheritance, and therefore requireth the temporall power, and direct dominion of a temporall Prince, & consequently it cannot be done by the spirituall power, and indirect dominion, which the Pope hath ouer temporall things.

61 Wherefore this *indirect* temporall power, authoritie, dominion, or iurisdiction, is in my opinion a *meere fiction*, purposely inuented without sufficient ground by the *later Diuines*, to put a more colourable cloake vpon this pretended temporall authoritie of the Pope, because they saw the *Canonists* doctrine, making the Pope a temporall Monarch of the whole world, to be very false, absurd, scandalous, and odious both to Princes and subiects; and yet in effect or substance they differ little, or nothing at all: For whatsoeuer the *Canonists* grant, that the Pope may doe in temporalls *directly*, the *Diuines* grant he may doe *indirectly*, which doth in effect as much as the former derogate from the Soueraigntie of absolute Princes: for it little importeth to the substance of the matter, whether the Pope may depose hereticall, or wicked Princes by a power, or dominion ouer temporals, which must be called *temporall*, or by a power, which must be called *spirituall*, so that he may depose them; or whether the Pope be superiour to absolute Princes in temporals, *directly*, or *indirectly*, so that they must acknowledge themselves not to be *absolute*, but subiect to the Pope in temporals. But as I haue signified heeretofore, all the difficultie, and ambiguity of these words, *directly*, and *indirectly* will presently appeare, and the whole mist, which the *Diuines* by this distinction doe cast ouer the eyes of the vnlearned, wil foorthwith vanish away, if we will but duly consider the difference betwixt the *directiue*, and *coercive* power, and the proper acts, and obiects of either of them.

62 For as in all arts, sciences, faculties, and powers, whatsoeuer is *directly* contained vnder the *formall* obiect of that art, science, facultie, or power, is *directly* subiect to that art, science, facultie or power, so what thing soeuer, whether it be temporall, or spirituall, is *directly* contained vnder the *formall* obiect of the *directiue* or *coercive* power, is *directly* subiect to that power. Seeing therefore that the proper acts, and formall obiects (by which all powers are distinguished) of the *spirituall directiue*, or commanding power, are the commanding of vertue, and the forbidding of vice, from hence it followeth, that all actions whatsoever, whether they be spirituall, or temporall, as they are vertuous, or vicious actions, and necessary, or hurtfull to the spirituall, and eternall good of soules, are *directly* subiect to the spirituall *directiue* power. So that the reference, or relation of temporall actions, to the spirituall good of soules, doth nothing hinder, but rather is a cause, that, as they are vertuous, or vicious actions, they are *directly* subiect to the spirituall *directiue* power.

63 But if these *Dinines* will further say, that the spirituall *directive* power, dominion, or iurisdiction ouer temporall things, is therefore said to be *indirect*, for that it doth not command, or forbid temporall things, as they are temporall; but as in order to spirituall good they become spirituall, that is vertuous, or vicious actions, no man maketh doubt of the matter, or of the thing it selfe, it being too too manifest to euery man of iudgement, that temporall things are not subiect to the spirituall *directive* power, as they are temporall things, but as in order to spirituall good they become spirituall, that is, vertuous, or vicious actions, but the speech is not so proper, and giueth occasion to the vnlearned to be confounded, and deluded with a superfluous ambiguity, and multiplicite of words. For what *Diuine*, or *Philosopher* can deny, that all those things whatsoever, which doe truly participate the definition, or nature of the *formall* object of any art, science, facultie, or power, by what meanes, or consideration soeuer they doe participate the same, are *directly* subiect to that art, science, facultie, or power? And in the same proportionate manner, as these men say, that the *Pope* hath an *indirect* temporall *directive* power, or authoritie ouer temporall things, it may bee said, that temporall *Princes* haue an *indirect* spirituall *directive* power ouer spirituall things: for that as the *Pope* doth forbid temporall things, not as they are temporall, but as they are spirituall, and hurtfull to the good of soules; so temporall *Princes* may forbid spirituall things, as Heresie, Schisme, periurie, ministring of Sacraments with a poysoned matter, whereby danger of death doth ensue, not as they are spirituall, but as they are temporall wrongs, and hurtfull to the publike peace in the Commonwealth, which is the *formall* object of the temporall *directive* power. So that this distinction of *directly*, and *indirectly*, cannot bee well applied to the spirituall *directive* power, but that in the like proportionate manner, it may be also applied to the temporall *directive* power, dominion, and iurisdiction.

64 And as concerning the Ecclesiasticall *coercive* power, we must discourse in the same manner: and likewise consider, what are the proper acts, and *formall* objects of this power, as it is *coercive*, or punishing: for whatsoever doth participate the nature and definition of the acts, and objects of this power is *directly* subiect thereunto. Now concerning this point; there are *two* principall opinions among Catholikes; The *first* opinion, and which now adaies is the more common, for the causes by mee heeretofore *alledged*, is that the *inflicting* of all punishments whatsoever, being referred to spirituall good, are the acts and objects of the Ecclesiasticall power, as it is *coercive* or punishing. But the *Antibours* of this opinion, albeit they all agree in this, that whatsoever authoritie the *Church* hath by the insti-

tution of *Christ*, call it spirituall, or temporall, is in order to spirituall good, and is given her by *Christ* for the eternall saluation of soules, for which end *Christ* also himselfe descended from heauen, and tooke our flesh vpon him, yet in this they differ: that the *Canonists*, that commonly follow this opinion, measuring the nature of the powers by their acts and objects, and graunting, as they doe, that *Christ* hath giuen to his *Church* authoritie to inflict both temporall, and spirituall punishments, doe also affirme, that the *Church* hath by the institution of *Christ* truly, properly, directly, and formally, both temporall, and spirituall power. But the *Diuines* commonly perceiuing the absurdity of this doctrine, and that it confoundeth the acts and objects of the temporall, and spirituall power, and subiecteth the temporall Soueraigntie of absolute *Princes*, who by the common doctrine of the ancient Fathers, are accounted to bee supreme in temporalls, and therein subiect to none but to God alone, to the *Popes* temporall authoritie, to giue the more probable colour, as they thinke, to this pretended authoritie of the *Church* to dispose of all temporals, and to inflict temporall punishments in order to spirituall good, and to make it seeme lesse odious to Christian *Princes*, and subiects, doe differ from the *Canonists* at leste wise in words, and therefore they affirme, that the *Church* by the institution of *Christ*, hath no true, proper, direct, and formall temporall authoritie, but onely vertuall, or in effect, which they call, but verie improperly in my opinion, *indirect*, as I haue shewed before: as the power of God, and of the Angels to worke corporall effects, although it be truly and formally spirituall, as God, and the Angels are truly and formally spirituall substances, yet eminently, virtually, and in effect is corporall, for that by their spirituall power they can worke corporall effects. So that the *Canonists*, and these *Diuines* doe not differ in effect, and these *Diuines* doe in effect no lesse derogate from the temporall Soueraigntie of absolute *Princes*, subiecting them in temporals, who are supreme, then the *Canonists* doe.

in Apol. nu. 4
et seq. and a-
bone in the first
part of this
Treatise.

65 The second principall opinion, is of other^m learned *Catholikes*, both *Diuines*, and *Canonists*, whom I haue heeretofore related, that the acts and objects of the spirituall *coercive* power, are onely the *inflicting* of spirituall punishments, or Ecclesiasticall Censures, as Excommunication, Suspension, Interdict, and not of temporall, or ciuill penalties, as death, exile, priuation of goods, imprisonment, and consequently that the *inflicting* of temporall punishments are neither *directly*, nor *indirectly*, formally, nor virtually subiect to the spirituall *coercive* power of the Church, but onely to the *coercive* temporall power of temporall *Princes*, for that no reference, relation, or reduction of the *inflicting* of temporall punishments to the glory of God, or the saluation of soules, can make temporall punishments to bee Ecclesiasticall

ecclesiasticall Censures, or the *inflicting* of temporall, and ciuill punishments to bee the *inflicting* of spirituall, and Ecclesiasticall Censures.

66 And although this opinion bee the lesse common among Catholikes, for the reasons heretofore alledged, especially through the watchfulness of the contrary side, since the time that some *Popes* haue challenged to themselves this temporall authoritie ouer *Kings*, call it *direct* or *indirect*, *formall*, or *versuall*, as you please; and the indiligence (to speake with all reuerence) of *Christian Princes* in suffering their temporall Soueraignty, to be so greatly and cunningly deprelled, and subiected, yet in my iudgement it is more conforme to the true sense and meaning of the holy Scriptures, to the practise of the primitive *Church*, to the doctrine of the ancient Fathers, and to the true grounds and principles of morall Philosophy, and Diuinitie: and therefore to affirme this opinion, which is embraced by so many *Doctors*, as *Almaine* witnesseth, and which is grounded vpon such plaine and pregnant reasons, to be *impious*, *absurd*, *improbable*, *erroneous*, yea and *hereticall*, as this foule mouth'd, and rash headed ignorant man doth so often brand it, is cleerely repugnant to the rules of Christian prudence, charitie, and modellie, and to the knowne principles of *Schoole-Diuinitie*.

67 And according to this opinion, although we should suppose, which is altogether vntrue, though often inculcated by my *Adversarie*, that the *inflicting* of temporall punishments, and the disposing of temporall things were *absolutely* necessarie for the good of the *Church*, and the saluation of soules, yet they should not therefore be subiect to the spirituall power of the *Church*, but onely to the temporall authoritie of *Christian Princes*, who, as the *Prophet Isay* foretold, were by Gods speciall providence appointed to be her *nourcing Fathers*, *Nources*, and Protectours. In such cases of necessitie, spirituall *Pastours* must implore the aide of *Christian Princes*, and the *Brachium Seclare*, or temporall power is bound by her lawes and other meanes to helpe the spirituall, and both of them hauing neede one of the other, being so vnited, linked, and conioyned, as I haue shewed before, ^m one with the ^m *Pat. l. c. 1.* other among *Christians*, ought to vse all due meanes to helpe each other, yet without breaking the bounds, and limits prescribed by *Christ* to either of them.

68 But truly in my opinion the weakenesse of their cause, and of the grounds of this their doctrine touching the *Popes* temporall *Monarchie* ouer absolute *Princes*, call it *direct*, or *indirect*, as you please, may to any man of iudgement sufficiently appeare, by their so often declining the true state of the question, and not standing vpon any sure or certaine ground, but flying from one argument to another, as from

o Cap. 7. nu. 36
 & seq.

Almain. de
 potest. Eccle. q. 1
 cap. 9.

from *conuenience* to *absolute necessitie*, sometimes affirming, that the *Pope* may depose *Princes*, and dispose of temporall things when it is conuenient for the good of the Church, and the saluation of soules, o-
 ther times when it is *absolutely* necessarie thereunto. But, as I haue
 shewed before, ° this *absolute necessitie* is a mere fiction, and onely
 supposed, but neuer prooued, and this pretended temporall authoritie
 of the *Pope*, as *Almaine* said, is rather very hurtfull, then any way neces-
 sarie either for the good of the *Pope*, or of *Christian* people. And if by
 the practise of depositions, as of *Henrie* the fourth by *Pope Grigorie*
 the seuenth, of *Fredrike* the second, by *Innocent* the fourth, of *Philip* the
 thefaire by *Boniface* the eight, of our King *Henrie* the eight by *Paul*
 the third, and *Queene Elizabeth* by *Pope Pius* the fifth, which are the
 most famous depositions of all, we may gather, whether this authori-
 tie be necessarie, or hurtfull to the Church of God, all histories make
 mention what infinite harme, rather then any good at all came to the
 Church of God thereby. And this I hope may suffice for the confirma-
 tion of my second answer to the Decree of the *Lateran Councell*, and
 for the confutation of my *Aduersaries* Reply. Now let vs see the
 third answer.

C H A P. XIII.

wherein *Widdringtons* third answer to the Decree of the *Lateran Councell* is confirmed: and also it is shewed how certaine it is according to the doctrine of learned *Catholikes*, that the Church cannot erre in Decrees, or precepts of manners: from whence it is cleerely deduced, that from the Decree, or rather Act of the *Lateran Councell*, it cannot with any colour of probability be prooued, that it is a point of faith, that the *Pope* hath authoritie to depose temporall *Princes*, and all *M. Fitzherberts* arguments to shew the contrarie, are most plainly confuted.

I **B**Ecause my *Aduersaries* did so much relie vpon this Decree of the *Lateran Councell*, that they thought it alone to be sufficient to make their doctrine cer-
 taine, and of faith, and therefore feared not to brand the contrarie with the note of heresie, my third an-
 swere to their argument grounded vpon the autho-
 ritie of the *Lateran Councell* was, that the Canon, or decree; (for so
 we call it yet) of the said Councell touching the deposition of tem-
 po

“ porall Land-lords, Governours, or Lords, was no matter of faith, but
 “ of fact onely, wherein as well the Pope; as those Fathers following
 “ their owne opinions, might erre, and that the Councell did not de-
 “ termine, or define, that the future deposition; not of Princes, as Mr.
 “ Fitzherbert translateth it, but of temporall Landlords, Magistrates, or
 “ Lords, should proceede from an vndoubted lawfull power, or from
 “ the Ecclesiasticall power alone without the consent of Princes. And
 “ therefore the opinion of those Fathers, yeeldeth no more certaintie
 “ for the Popes power to depose Princes, then if they had declared their
 “ opinions forth of the Councell; seeing that this onely can bee gathe-
 “ red from the certaine, and vndoubted doctrine of the Catholike
 “ Church, that the infalable assistance of the Holy Ghost is promised
 “ by our Sauour Christ, not to the facts, or probable opinions of Popes,
 “ or Councells, but onely to their definitions.”

2 Against this answer Mr. Fitzherbert taketh some idle and fri-
 uolous exceptions: And first, he carpeth at that distinction or Antithe-
 sis betwixt *rem facti duntaxat*, and *rem fidei*, a matter of fact onely, and a
 matter of faith, which he would haue me to reforme, and to make it ac-
 cording to the vsuall manner *rem facti*, and *rem iuris*: a matter of fact,
 & a matter of law, or right. But here, saith he, ^a I must desire Widdring-
 ton, first to reforme his distinction, or rather Antithesis, which he maketh
 betwixt *rem facti*, and *rem fidei*, a matter of fact, and a matter of
 faith, Wherein there is no such opposition, as hee seemeth to imagine, or
 would at least haue to bee conceined, for if by a matter of fact onely,
 he meanes a matter that is not speculatiue, but consisteth onely in action, or
 practise, then matters of fact, and faith may so well stand together, that they
 may be, and often are one, and the selfe same thing: I meane, that a matter
 of fact not onely may, but ought also to be beleueed vnder paine of damna-
 tion; as it is euident in diuers Articles of our faith, consisting in the beliefe of
 things done, or to be done, as in all the Historie of our Saviours Incarnation,
 life, and death already past, and in his last Iudgement, our Resurrection, and
 euerlasting reward, or punishment, which are yet to come, and being matters
 of fact, are neuerthelesse matters of faith: and therefore Widdrington may
 doe well, as I haue said, to reforme his distinction, and to make it according
 to the vsuall manner, to wit, *rem facti*, and *rem iuris*, a matter of fact, and
 a matter of law, or right, which are indeed alwayes distinct.

a Pag. 17. 8.
nu. 3.

3 But first, is it possible that this man should be so blind, or igno-
 rant, as not to see, that a matter of faith is alwayes a matter of law, for
 that it is commaunded to be beleueed by the law of God, and so how
 childishly he carpeth at that distinction, or Antithesis, a matter of fact
 onely, and not a matter of faith, desiring me to reforme that distinction,
 and to make it according to the vsuall manner, to wit, *rem facti*, and
rem iuris, a matter of fact, and a matter of law, seeing that it is manifest to
 euery

euery Schoole-boy, that a *matter of faith* is alwayes a *matter of law*, as being a thing commanded to be beleueed by the *law of God*. But *matters of fact*, and of *faith*, saith M^r. Fitzherbert may well stand together &c. And therefore a *matter of fact* is not opposite to a *matter of faith*, as Widdrington seemeth to imagine, or would at least haue to be conceived.

4 But in the like manner I may say, that *matters of fact*, and *matters of law* may well stand together, as it is euident in diuers Articles of our faith, concerning our *Sauours Incarnation*, *Passion*, *Resurrection*, &c. which are both *matters of fact*, and of *law*, seeing that they are things appertaining to the *law of God*, and therefore a *matter of fact* is not opposite to a *matter of law*, and alwayes distinct, as M^r. Fitzherbert following therein Fa. Lessius, from whom he tooketh this friuolous exception, not onely seemeth to imagine, but also expressly affirmeth. So that these men haue neede first to reforme their owne distinction or *Antithesis*, which they make betwixt a *matter of fact*, and a *matter of law*, before they vndertake to be reformers of other men. But the plaine truth is, that I neither said, nor imagined, as these men vntruly affirme, that I made an *opposition*, or *Antithesis* betwixt a *matter of faith*, and a *matter of fact*, but betwixt a *matter of faith*, and *offact* onely, which word [onely] if they had well considered, they might easily haue perceiued, that it doth exclude a *matter of faith*, and that I did not make an *opposition* betwixt euery *matter of fact*, and of *faith*, but betwixt a *matter of faith*, and *offact* onely, that is, of *such facts*, which are onely grounded vpon a probable opinion, or at the most, not vpon any vndoubted doctrine of *faith*, and such *matters of fact*, and *offact*, can neuer stand together.

5 For whereas Cardinall Bellarmine, and Fa. Lessius, against whom principally I wrote that *Preface*, wherein I answered this Decree of the *Lateran Councell*, did so much insist vpon this Decree, that, as I said before, they would make the world beleue, that it alone were sufficient to make their doctrine to be of *faith*, and the contrary flat hereticall. my meaning was in this third answer to shew, that no such thing could be proued from this Councell, as they pretended, for that this Decree, for as much as it concerneth the *future deposition* of temporall *Landlords*, or *Lords*, was no *matter of faith*, but of *fact* onely, and that the Councell did not declare, determine, or define, that this *future deposition* of them was therein decreed to proceede from the spirituall authority of the Church without the consent, licence, or authoritie of temporall *Princes*, which my *Adversarie* must first prooue, or else they will speake little to the purpose. Now M^r. Fitzherbert falsly supposing, as you haue seene, that I make an *opposition* betwixt a *matter of fact*, and a *matter of faith*, as though a *matter of fact*, and a *matter of faith* cannot stand together, which euery Schoole-boy knoweth to be false, you shall see what an

an idle discourse he maketh throughout this whole Chapter, it being grounded vpon this false supposal.

6 But because Mr. *Fitzher*. in his ensuing discourse giue th me occasion to enter into a question, which not a litle concerneth our present controuersie, I thinke it not amisse, before I goe any further to speake something thereof; to wit, with what kind of *certainetie* we are to beleeue, that the Church cannot erre in making *Decrees*, or *precepts* of *manners*, that is, whether, as it is *hereticall* to hold, that the Church can erre in *defining matters of faith*, so also it is *hereticall* to hold, that she can erre in *making lawes*, *Decrees*, or *precepts* belonging to *manners*. And albeit my meaning is not at this time to set downe, what is my owne opinion concerning this matter, because I doe not intend to relie much thereon for the answering of my *Aduersaries* obiections, and so will not giue him occasion to flie from the principall controuersie to other by-questions, and of lesse importance, yet for the better instruction of the vnlearned Reader, who may perchance imagine, that euery *Popes Breue* is sufficient to make a *matter of faith*, I will briefly relate, what is the opinion of learned *Catholikes*, and namely of *Melchior Canus* in this point.

7 First therefore concerning *matters of faith*, or things to beleeued, *Melchior Canus* affirmeth, that a *Generall Council* being confirmed by the *Popes authoritie* cannot erre in the defining of *Catholike doctrine*, and this conclusion he taketh to be so certaine, that the contrarie be accounteth *hereticall*. But as I obserued in an other place, to make such *definitions* to be certaine, infallible, and without error, he requireth two conditions, the one is, that the doctrine must bee propounded to the whole Church, and not onely to *private* or *particular Churches*, or *Bishops*, and the other, that it be propounded with an obligation to bee beleeued as of faith, which also *Cardinall Bellarmine* confirmeth. For in *Councils*, faith he, the greatest part of the *Acts* doe not appertaine to faith; for neither are of faith the *disputations* that goe before, nor the *reasons*, which are added, nor the things which are brought to explicate, and illustrate, but onely the *baues* *decrees*, and those not all, but those onely which are propounded as of faith. And it is easie, say they, to know when the Council doth propound any thing with an obligation to be beleeued, as of faith, by the wordes of the Council it selfe. For they alwayes vse to say, that they declare the *Catholike faith*, or account them for *heretickes*, or which is most common, *denounce anathema*, or *excommunicate* them who shall belene the contrary, but when none of these things are said, it is not certaine faith. *Cardinall Bellarmine*, that it is a point of faith. Whereby may be plainly seene the insolent temeritie of some, especially this my *Aduersary*, who feare not to call them *heretickes*, that deny the *Popes* power to depose *Princes*, seeing that neither from the Council of *Lateran*, nor from any other Council,

Canus lib. 1. de loci cap. 4. concl. 3.

b In disp. Theol. cap. 10. sec. 1. m. 13.

Bellar. lib. 2. de Cone. cap. 1. 2.

Councell, either *Generall*, or *Provinciall*, nor, which is more, from any one *Canon* of any particular *Pope*, they can bring so much as a colourable shew of any such *decree*, which, according to the aforesaid rules of *Cardinall Bellarmine* and *Canus*, haue the conditions required to make a point of faith.

*Canus lib. 5. de
loc. cap. 5. q. 5.*

8 Now concerning *decrees*, and *precepts* belonging to *manners*, or things commanded or forbidden to be done, the said *Canus* having first supposed, and distinguished, that the question may be either of such things as are necessary to saluation, as being commanded, or forbidden by the law of *God*, or *Nature*, or of such things that are not necessary, he setteth downe this conclusion; that the Church, cannot erre in the doctrine of such manners, as are necessary to saluation; Therefore if the Church by a firme decree doe define that any thing is to be done, or to be avoided, she cannot erre therein, as for example, in commanding *Lay-men* to receive the Sacrament vnder one onely kinde. From whence hee inferreth this second conclusion, that when the Church in a matter of moment, and which is very profitable for the reforming of *Christian manners*, doth make lawes to all *Christian people*, she cannot command any thing which is contrary to the *Gospell*, or naturall reason, wherefore as a generall Councell cannot propound false things to be believed by the people, so it cannot propound euill things to be done, propound, saith he: by a firme and certaine decree, by which all men are bound to believe and doe vnder paine of eternall damnation.

9 But as concerning the certainty of this doctrine, especially touching things which are not so necessary to saluation, as not being repugnant to the *Gospell*, or naturall reason, whether it be heretical to affirme that some custome of the Church is euill, or some law of the Church is vniust, I dare not, saith *Canus*, define, or determine. Whereupon hee excuseth those from heresie, who should affirme, that the Church doth erre in the custome of communicating the people vnder one kinde onely: and hee answereth to the Councell of *Constance*, which ordaineth, that those are to be condemned as heretikes who affirme the Church to erre therein, that the Councell at that time was without a head, and that *Pope Martin* doth not simply or absolutely approue that article, but hee onely defineth, that those who shall teach that the Church doth erre in that manner of custome are to be condemned as heretikes, or as saouering heresie. Therefore that which *Pope Martin*, being *President* of the Councell, durst not condemne by the name of heresie, neither I, saith *Canus*, dare, nor ought to impeach of a greater censure. But if it be a custome necessary to saluation, which that seemed to be, whereof there was a controuersie in the Councell of *Constance*, the modesty of *Pope Martin* was so great, how much more modest ought we to be in condemning other errors, which are repugnant to the custome of the Church, which is not necessary to saluation? Thus Ca-

now, which doctrine I would desire my *Adversary*, and such other vnlearned hoat-spurres, who haue *heresie*, and *hereticall* so frequent in their mouthes, little knowing themselves what *heresie* is, diligently to consider.

10 Also the said *Canons* excuseth from *heresie* those, who disproue the custome of the Church, to carry about in solemne procession the B. Sacrament: For albeit, saith hee, to reprehend this custome vpon this ground, that Christ is not really, and truly present in the Eucharist, bee *heresie*, yet if thou regard the error in it selfe, it saoureth *heresie*, it is rashnesse, and imprudence, and although it be to be censured for many respects, yet it is not *heresie*: seeing that albeit in this custome the Church should not erre, yet her authority would not therefore be endangered in matters of greater moment. Neither doth the Conncell of Trent simply or absolutely say, anathema to those that shall reprehend this custome of the Church, but to those that therefore reprehend it, because they doe not admit the reall presence of Christ in the Eucharist, and therefore neither the adoration, and worship thereof.

11 In like manner he excuseth from *heresie* those, who affirme, that the Church may erre in the canonization of Saints. For it is to bee obserued, saith hee, that some manners, or customes of the Church are deliuered to the Church by Christ, and the Apostles: wherein hee that should say the Church erre, doth make Christ, and the Apostles to be Authors of that error: but other manners, or customes are brought in since the Apostles, wherein although the Church should erre, yet saith would not therefore bee endangered: Therefore without danger of *heresie* it may bee held, that the Church may in some law and custome erre. And hee bringeth a reason wherefore it is not *hereticall* to say, that the Church may erre in the Canonization of Saints, by which he proued a little before, that in manners, customes, precepts, and lawes, which are not common to the whole Church, but are referred to *private men*, or Churches, the Church may erre through ignorance, not onely in the iudgement of things done, but also in the *private precepts and lawes themselves*. And of this conclusion, saith hee, Pope Innocent gaue a true and fit reason, in cap. A nobis, de sent. Excom. in these words: The iudgement of God is alwaies grounded vpon truth, which neither deceiueth, nor is deceiued, but the iudgement of the Church doth sometimes follow opinion, which oftentimes deceiueth, and is deceiued; whereupon it happeneth sometimes, that he who is bound before God, is loosed before the Church, & he that is free before God, is tyed by an Ecclesiasticall Censure. Thus Pope Innocent.

12 For from hence, saith *Canus*, it is manifest, which is most worthy the observation, that decrees of the Church cannot be certaine, and firme, which are not grounded vpon certaine and firme principles, and foundations.

Wherefore

Wherefore if but one of those things, whereon the iudgement of the Church dependeth, be uncertaine, the decree of the Church cannot be certaine, whether the question bee speculative, or practicall. For the Conclusion according to the maxime of the Logicians followeth the weaker part, and if one of the principles, or premisses bee weak, it is necessarie, that the conclusion in regard of that part bee weakened. Whereby it is easily understood, that the iudgements of the Church, which proceede from the uncertaine testimonies of men, are weak to make a certaine, and undoubted beliefe; of which sort is that, whereby she iudgeth any one to be numbred in the Catalogue of Saints: yet it is not lawfull to call in question such decrees without punishment; but it is temerarious, and irreligious not to give credite to the Church in the canonizing of Saints, which because he that doth, doeth rashly, and inconsiderately, hee shall indeede deservedly bee punished by the Church. Thus *Canus*.

Canus l. 12. c. 1.

13 Lastly, hee excuseth from heresie those, who should affirme, that the B. Virgin is not corporally assumed into heauen, which although, faith hee, it bee not contrary to faith, yet because it is repugnant to the common consent of the Church, it would bee taxed of malapert temeritie.

Suarez tom. 2. disp. 21. sec. 2.

And albeit Fa. *Suarez* also doth affirme, that now it is so received an opinion, that it cannot be called in question by any pious and Catholike man, yet hee acknowledgeth, that it is not of faith, because it is neither defined by the Church, neither is there any testimonie of Scripture, or sufficient tradition, which may cause infallible faith. But *Somus* faith

Somus in 4. disp. 43 q. 2. ar. 1. Caiet. tom. 2. opus. et in 2. de Concept. c. 5. l. 6.

only, that it ought to bee beleueed most piously, but yet it is not put among the articles of faith necessarily to bee beleueed. And *Caietanus* affirmeth, that it is not to bee beleueed of necessitie, but probably and piously. For there is two manner of wayes, faith hee, whereby a thing may bee decreed to bee beleueed. For some things are decreed to bee beleueed in such sort, that hee who thinkes the contrarie is an heretike: but some things as probably to bee beleueed, as the common pietie of the Church doth probably beleue concerning the corporall Assumption of the B. Virgin, and her Sanctification in her mothers wombe, and other such like. *Abulenensis* also faith,

Abul. in cap. 22. Matth. 9. 23.

that it is not necessarie to holde this, because it is not among the articles of faith, neither also is there any thing defined by the Church, that it ought to be held, therefore it is lawfull for every man to thinke as he will. And the reasons which are brought to prooue her Resurrection, are certaine persuasions, and do not conuince, yet because it is commonly held, that she is risen, it is more reasonable to hold it; yet if any one doe affirme the contrarie, wee doe not contend. And neuertheless the foresaid *Authors* knew right well, that this doctrine concerning the corporall Assumption of the B. Virgin was neuer denyed by any Catholike, and was also the ground and foundation of an Ecclesiasticall decree, and custome to celebrate the Feast of the B. Virgins Assumption.

14 And by this the Reader may easily perceiue, what things are required to make one an *heretike*, that should deny the decrees of the Church concerning *manners* to bee *infallible*: and how *rashly*, and *unchristianly* my *Aduersaries* doe charge mee with *heresie*, for denying the doctrine for the Popes power to depose *Princes* to be a *point of faith*, seeing that they cannot bring any one decree either of *Pope*, or *Councell*, whereby, according to the conditions before required by Cardinal *Bel-larmine* and *Canus* to the *infallibilitie* of decrees either touching *faith*, or *manners*, it can with any *probable* colour bee prooued, that this doctrine is *certaine*, and of *faith*, but we must forsooth take their owne interpretations, or rather wrestings of the *Canons*, and false *suppositions* to bee sufficient decrees to determine *matters of faith*. Now to *M^r. Fitz-berberts* discourse.

15 Secondly, saith he, *I wish Widdrington to consider, that by this his distinction, and the argument, which hee deduceth from it, hee may in like manner impugn the decree of the Apostles themselves made in their Councell at Hierusalem, wherein they ordained, and defined nothing else but matters of fact (to wit, that the Christians should abstaine from meates offered to Idols, from things strangled, and blood, and fornication) in all which the Apostles might (according to this mans doctrine) follow their owne private opinions, and erre, because their Decree concerned only matters of fact.* c Pag. 178.
nu. 3.
Act. 15.

16 But first, this man supposeth, that I impugn the Decree of the *Lateran Councell*, which is very vntrue: for I only expound, and declare the sense and meaning of the Decree, and disproouethe exposition, which my *Aduersaries* make thereof. Wherefore if wee may suppose, that this Decree of the *Apostles* was concerning such a *matter of fact*, which is not grounded vpon any doctrine of *faith*, but only vpon *opinions*, which are exposed to errour, as I contend this Decree, if wee may truly call it so, of the *Lateran Councell* concerning the *future deposition* of temporall *Land-lords*, *Magistrates*, or *Lords* to be such a *matter of fact*, then I say we may in the like proportionate manner, I doe not say, impugn, but expound this decree of the *Apostles*, as I haue, and shall beneath expound the decree of the *Lateran Councell*, in such sort that from thence no infallible doctrine of *faith* can be concluded to prooue that, which some Authours from thence pretend to conclude; to wit, that the Church hath authoritie to make new lawes, which shall haue force to bind in conscience.

17 As for example, supposing onely for *Disputation* sake, but not affirming, that the Church hath not authoritie to make new lawes and precepts, which shall haue force to bind in conscience, which doctrine some *Authours* attributero *Gerson*, but onely to declare the lawes and precepts of *God*, and *Nature*, and also to determine those lawes, and precepts,

Irenæ. l. 3. c. 13
Cyrt. l. 3. ad
Quirinum c. vi.
See Suarez lib.
9 de Leg. ca. 20.

præcepts, which God, and Nature haue left vndermined, either concerning the time, place, or manner; as for example, wee are commanded by the law of God and Nature, to honour God, and his Saints, to fast, to receiue the Eucharist, to confesse our sinnes, &c. yet the time, place, and manner are not determined, but left to the determination of the Church, and so the Church appointeth Holy-dayes, fasting-dayes, the time of Easter to receiue, and confesse our sinnes, and such like: which being supposed for probable, but not granted, wee may, I doe not say, *impugne*, but *probably expound* that decree of the Apostles, as some ancient Fathers doe expound it, so that it doeth not ordaine, or command any new thing, but only declare the law of God, and Nature; and that by things strangled, and blood, is vnderstood onely manslaughter, either by strangling, or by the effusion of blood, as Irenæus, S. Cyprian, and others doe seeme to vnderstand those words, and likewise that meates offered to Idoles are heere onely forbidden to be eaten either with a *superstitious worship*, as though some sacred thing were in those meates in regard of the Idoll, or else with the scandall of others, both which are against the law of God, & nature, and both which senses may bee gathered from the words of S. Paul 1. Cor. 8. vers. 4. and 7. and 1. Cor. 10. vers. 28. & 29.

18 And in the like proportionate manner I haue answered to the Decree of the Lateran Council, not by *impugning*, but by *expounding* the same. For considering that it is truly a *probable doctrine* and maintained by *very many Doctours*, as *Almaine* affirmeth, that the *Ecclesiasticall power* of the Church doth not by the institution of Christ extend to the *inflicting* of temporall punishments, as death, exile, priuation of goods, imprisonment, and when shee *useth* these, shee doth it by the *pure positive law*, and *priviledges of Princes*, it is euident, that wee may *probably* answer, that decree of the Lateran Council, if wee may call it a decree, concerning the *future fall* of the deposition of temporall Land-lords, or *Magistrates*, not to proceede from Ecclesiasticall, or spirituall power but from that temporall authoritie, which was granted to the Council by the consent of temporall Princes, whose *Ambassadors* were present at the making of that act; or else to bind only in the Popes temporall Dominions.

19 Secondly, I answer, that there is a great disparitie betwixt the decree of the Apostles, and the decree, or act of the Lateran Council, for as much as concerneth that *future deposition* of temporall Land-lords. For the decree of the Apostles is a *true and proper law*, and decree, and includeth an expresse commandement to abstaine from those things, which are there forbidden: but this Decree of the Lateran Council, for as much as concerneth the *aforesaid deposition*, is not a *true*, and *proper law* or Decree, neither doeth it containe any speciall commandement, *prohi-*

prohibition, grant, or privilege, which euery true, and proper law, or decree ought to containe, as it will cleerely appeare according to my *Aduersaries* owne grounds, if wee consider euery part, and parcell of this Decree, or Canon. For first it is there ordained, that *Secular Potestates*, or *Magistrates* shall by Ecclesiasticall Censure, if neede require, be compelled to take an Oath, that they will doe their best endeavour to banish all heretikes from the territories subiect to their Iurisdiction: and this no doubt is a true, and proper decree. Secondly, that if a temporall Land-Lord, Magistrate, or Lord shall neglect to purge his territories from hereticall filth, he shall by the Metropolitan, and other Comprovinciall Bishops be excommunicated; and this also is a true and proper decree, and includeth a precept, and commandement. Thirdly, that if hee shall contemne to giue satisfaction within a yeere, the same shall be signified to the Pope, and this also is a proper decree, commanding the Metropolitan, and other Comprovinciall Bishops to signifie the same to the Pope: Fourthly it is added, that then the Pope may denounce his Vassalls absolved from their fealties, and his territories exposed to be taken by Catholikes: and this, which is the maine, and only point, from whence my *Aduersaries* conclude, that the Pope by his spirituall power may depose temporall Princes, cannot according to their owne grounds bee a true, and proper decree, and containe any commandement, grant, or privilege, vnlesse they will graunt the Councell to bee aboue the Pope, and that the Councell hath power to impose commandements vpon the Pope, or to giue him any authoritie, or privilege, which neuerthelesse they vterly deny: and therefore these wordes, as of themselves it is plaine, doe onely import, and signifie the ende, reason, or cause of the former Decree, to wit, wherefore it must bee signified to the Pope, that such a temporall Land-Lord, hath beene excommunicated for a whole yeere.

20 And by this it is euident first, that seeing that in general Councels according to the expresse doctrine of Cardinall Bellarmine, the greatest part of the Acts doe not appertaine to faith, (For neither are of faith the disputations, which goe before, nor the reasons which are added, nor those things which are brought to explicate, and illustrate, but onely the bare decrees, and those not all, but which are propounded, as of faith,) and that this is no decree, and though it were, it is not propounded as of faith, as it is manifest by the rules assigned aboue by Cardinall Bellarmine, and *Canus*, to know when anything is propounded, as of faith, but it onely containeth the cause and reason of the former decree, which reason may bee exposed to errour (seeing that it is not greatly to be stood vpon, saith *Canus*, si Pontificum rationes necessariae non sunt, if the reasons of the Popes or Councels be not necessary,) it is, I say, most euident, that from this Act no probable argument can be brought to proue, that the doctrine for the

Canus l. 6. c. 2.

Popes power to depose Princes, is certaine and of faith.

21 Secondly, it is also euident, that I do not impugn, or call in question this *Act* of the *Councell*, but do only expound, and interpret it, and that my exposition is probable, to wit, that this *Act* was made not by spirituall authority, but by temporall, it is manifest, supposing, that is probable, as in very deepe it is, and maintained by very many *Doctours*, both *Diuines*, and *Lawyers*, that the Ecclesiasticall or spirituall power by the institution of Christ, doth not extend to the inflicting of temporall punishments, but onely of Ecclesiasticall censures, and therefore it cannot without grosse ignorance and manifest absurdity be said, that this my answer and exposition which is grounded vpon the doctrine, not onely of so many learned Authours, but also of my owne Adversaries, and who otherwise defend the Popes authority to depose Princes, is to bee accounted *improbable* or *absurd*. I now let passe that the decrees of *Popes* and *Councils* which are not referred to all the Church, but onely to particular *Bishops*, *Churches*, or *persons*, and doe not concerne and binde all the *Church*, but onely certaine persons, may bee exposed to error, as I declared before: For in that case onely, saith *Camus*, the *Judges* are to be understood to pronounce, or deſiſe of faith, when the decree or sentence belongeth to all the faithfull, when it bindeth all: but this *Act* of the *Lateran Council* doth onely concerne temporall *Land lords*, and their *Vassals*, and those not all, but onely the *Vassals* of such *Land lords*, *Magistrates*, or *Lords*, who remaine excommunicated for a whole yeare, for neglecting to purge their territories of hereticall filth. And thus much concerning the *Apostles* decree.

Canus lib. 5.
cap. 5. § 4.

d Pag. 179. nu.
45.

e Baron. an. 159
Euseb. lib. 23.
cap. 22, 23, 24,
et 25.
Theod. lib. 1. c. 9.
Athan in epist.
de Synod. Ari-
min. Ambros.
epist. 83.

Epiphanius, her. 50
S. Aug. her. 29.

22 And the like also, saith Mr. Fitzherbert^d, may bee said concerning other decrees of Popes and Councils, the impugnors wherof haue bene held, and condemned by the Church for heretikes, as for example; it was decreed^e by Pope Pius the first, and confirmed by Pope Victor, and after by the Council of Nice, that the feast of Easter should be celebrated, at the same time that now it is kept vniuersally throughout Christendome, according to the tradition left to the *Roman Church*, by S. Peter, whereas the *Churches* of Asia did celebrate the said feast with the *Iewes*, (to wit, at the time prescribed in the law of Moyses) following therein the tradition, or at least the practise of S. Iohn the Evangelist. And albeit those decrees ordaine onely matter of fact, and practise, yet they which haue heretofore contradicted the same, and adhered to the custome of the *Iewes* were, and are still held by the Church for heretikes; and registred for such by S. Epiphanius, and S. Augustine, in their Catalogues of heretikes, vnder the name and title of *Tessarescdecatare*, that is to say, *Quartadecimani*, who with this distinction of Widdrington, and his arguments, might farre more probably defend their opinion, then he doth, or can defend his. For they might say as well as he, that those Decrees were not matters of faith, but matters of fact

fact onely, wherein both the Pope, and the Councels might follow their owne private opinions, and consequently erre, which being added to that which they said in defence of their heresie, and might truly say, to wit, that they followed the practise of S. Iohn the Euangelist, and of the Churches of Asia, (which received the same by tradition from him, and continued it without interruption for 150. yeares) this, I say, would giue another manner of probability to their doctrine, then he can any way pretend for his; and yet neuerthelesse they are worthily held for heretikes, because they did obstinately refuse to obey those decrees.

Euseb. ubi supra Bede lib. 3. hist. cap. 23.

23 But this obiection is as friuolous as the former; first, for that it supposeth that I oppose a matter of fact, to a matter of faith, and imagine that the one cannot stand with the other, which is vntrue, as I shewed before. Secondly, for that it supposeth also that I impugne the decree, or rather Act and reason of the *Lateran Councell*, which is also vntrue, seeing that I doe not impugne it, but onely as you haue scene, expound it. Thirdly, for that there is a great disparity betwixt the decree concerning the celebrating of the Feast of *Easter*, and this Act of the *Lateran Councell*, concerning the future deposition of temporall Land-lords, or *Magistrates*, seeing that the former is a true and proper decree, implying an expresse precept, and commandement, but this Act is not a true & proper decree, containing in it any command, grant, or priuiledge, as I shewed before and therefore we cannot rightly apply those arguments, which the *Diuines* doe bring to prooue the Churches infallible authority to make decrees, and precepts concerning manners, to this Act of the *Lateran Councell*, which is not grounded vpon any doctrine appertaining to faith, but onely vpon opinion, which may be exposed to error.

24 Fourthly, the *Quartadecimani*, as you may see in *Alphonso de Castro*, and *Cardinal Bellarmine*, were not accounted heretikes for celebrating the Feast of *Easter*, according to the custome of the *Jewes*, contrary to the decree of the Church, but for that they thought it necessary to celebrate that Feast, according to the custome of the *Jewes*, which is indeede hereticall. And therefore that is very vntrue, which *M^r. Fitzherbert* saith, that the *Quartadecimani* were worthily held for heretikes, because they did obstinately refuse to obey those decrees, but because they refused to obey them vpon an hereticall ground. Neither is it hereticall, as I haue shewed before out of *Camus*, to impugne, or disobey a decree of the Church, especially concerning facts and manners, which are not necessary to saluation, vnlesse it be impugned, or disobeyed vpon an hereticall ground. But if the decree bee grounded onely vpon an opinion, which is exposed to error, and not vpon an infallible point of faith, it is not hereticall to impugne that decree, and to say, that the Church may erre in making that decree. Wherefore it is

Castro lib. 12. contra her. ver. bo Pascha. Bell. lib. 3. de Cultu. Sancti. cap. 12.

Canon lib. 5. q. 5.
cancin. 2.

one thing to say, that the Church may erre in making such, or such a law, and decree; and another thing to say, that the Church doth erre, or hath erred in making that law and decree, albeit *Melchior Canus* feareth not to say, that *he doth not approve all Church-lawes, nor commend all punishments, Censures, Excommunications, Irregularities, Interdicts.* I know, saith he, that there be some such lawes, which if they want nothing else, yet doubtlesse they want prudence and discretion. For in lawes, precepts, decrees, and facts concerning manners, which are not necessary to saluation, and which are not grounded vpon any doctrine of faith, it is not hereticall to hold, that Christ hath not promised to the Church any infallible assistance, and that therefore she may erre in making such decrees, yet I do not deny, but that it were temerarious, and irreligious for any priuate man to impugne any decree of a generall Councell, and to say, that the Church did erre in making that decree.

25 As also it is no false doctrine, much lesse hereticall, to affirme, that *Kings*, and temporall Common-wealths may erre in making lawes and decrees concerning ciuill gouernment, for that Christ hath not promised them his infallible assistance therein; yet it were *scandalous*, and *seditions* for a priuate man to impugne any temporall law established by the *Prince*, and the Common-wealth, and to say, that they did erre in making that temporall law. But, as I said before, I doe not impugne, but onely expound this Decree, or rather *All* of the *Latine Councell*, according to the probable doctrine of very many *Dollours*, who affirme, that the Church by the institution of Christ, hath no power to inflict temporall punishments, but onely Ecclesiasticall Censures. But no maruaile, that my *Aduersary* discourseth here so vnlearnedly, seeing that hee hath so little insight in these *Theological* questions, and I accuse rather his *temerity*, then his *ignorance*, that hee will take vpon him with such confidence, to bee a teacher in these difficult questions, wherein hee himselfe hath neuer beene a *Schollar*, or scarce vnderstandeth the true state of the question. And by this, which hath beene said, the iudicious Reader may easily perceiue, how vaine and impertinent are the rest of *M^r. Fitzherberts* inferences, and obiections in this Chapter, which therefore I might well omit, but that to giue satisfaction to the vnlearned Reader, I am in a sort compelled to set them downe.

f Page. 180.
munt. 6.

26 Wherevpon, saith he, it followeth first, that Widdringtons answer to the Canon of the Councell of Lateran, grounded vpon a distinction of a matter of fact, and a matter of faith, is very vaine and frivolous, as well because the one doth not exclude the other, as also because by that distinction hee may impugne the Decree of the Apostles themselves, of the *Popes, Pius, and Victor, and of the Councell of Nice, and such other*
sancting

touching matters of fact, no lesse probably, then bee impugneth the Canon of the Councell of Lateran.

27 But to this, as you haue seene, I haue answered before, and haue cleerely shewed, that I did not *impugne*, but onely expound the decree of the *Lateran Councell*, and that I did not oppose a *matter of faith*, to euery *matter of fact*, but to a *matter of fact* onely, or, which is all one, to such a *matter of fact*, which is not grounded vpon any doctrine of faith, and such a *matter of fact* doth exclude a *matter of faith*: & also that by this distinction I doe not any wise impugneth the decree of the *Apostles*, of *Pope Pius*, and *Victor*, of the Councell of *Nice*, or of any other touching matters of fact.

28 Secondly, saith Mr. Fitzherbert, & it appeareth, that, as the *Quarta* *decimani* condemned of heresie, because they obstinately contradicted the authoritie of those Decrees, so also those, who doe with like obstinacy impugneth the other Decree of the Councell of Lateran, doe much more deserue to be held for heretickes, seeing that they haue much lesse probability for their opinion, then the other had. g Pa. 180. n. 3

29 But this also hath been answered before; for neither were the *quarta decimani* condemned of heresie, because they obstinately contradicted the authoritie of those decrees, but because they contradicted them vpon an hereticall ground: Neither doe I impugneth the Decree of the *Lateran Councell*, but do onely expound it, according to the probable doctrine of very many learned *Catholikes*, who since the Councell of *Lateran* haue affirmed, that the Ecclesiasticall power, by the institution of *Christ*, doth not extend to the inflicting of temporall punishments, as death, exile, priuation of goods, imprisonment, but that the Church, when the *inflicteth* such punishments, doth it by the pure positive law, and priuiledges of Princes, which learned Doctours cannot without grosse temeritie, and impudency be therefore condemned of heresie. And if this decree of the *Lateran Councell* bee so cleere a prooffe to make this doctrine for the Popes power to depose Princes to bee a point of faith, and the contrary hereticall, as these men pretend, I would gladly know, why Cardinall *Bellarmino* in his *Controuersies*, *Victoria*, *Corduba*, *Molina*, or *D. Sanders* did not vrge it to make their doctrine in this point, certaine, unquestionable, and of faith, and why *Marsilius* of *Padua* was not by some one of those, who write of heresies, accounted an heretick for impugning this doctrine, and why it was not by *Castro*, *Pratolius*, Cardinall *Bellarmino*, or some other reckoned among one of his heresies, but it must now, forsooth, within these few yeeres, without any new definition either of *Pope*, or *Councell* bee made an heresie, which for a 1600. yeeres before was not by any ancient Father, or *Catholike* *Diuine* accounted an heresie.

30 Thirdly, saith Mr. Fitzherbert, ^h whereas Widdrington conclu- h' Pa. 181. m. 3

« *deth this his third answer, with this reason, that the Fathers in the*
 « *Councell of Lateran had no more assurance, and certaintie for this*
 « *their Decree, then if they had declared their opinion fourth of the*
 « *Councell, because Christ hath not promised the infallible assistance of*
 « *his holy Spirit vnto facts, and probable opinions of Popes, or Coun-*
 « *cells, but to their definitions onely, this his conclusion, I say, is most*
 « *impertinent, not onely because it impugneth the foresaid Decrees of the A-*
 « *postles, of Pope Pius, and of the Nicene Councell, no lesse then this other*
 « *of the Councell of Lateran, but also because he flatly overthroweth him-*
 « *selfe, seeing that this Decree of the Councell of Lateran is a true defini-*
 « *tion concerning the meanes to extirpate heresie; and therefore seeing that*
 « *our Sauour promised the infallible assistance of his holy Spirit to the defini-*
 « *tions of Popes and Councells (as Widdrington hath here expressly affir-*
 « *med) it followeth, that the Pope, and Fathers in the Councell of Lateran,*
 « *neither did, nor could erre in their definition, or Decree concerning the de-*
 « *position of Princes, when it shall be necessary for the extirpation of heresie.*

31 But all this also I haue fully satisfied before, and shewed a great disparity betwixt those decrees of the Apostles, of Pope Pius, and of the Councell of Nice, and betwixt the Act of the Lateran Councell, concerning the future deposition of temporall Potestates, both for that this Act of the Lateran Councell is no true, and proper Decree (according to my Aduersaries grounds) as those were, and also for that no Catholike Author affirmeth, that those Decrees were made by temporall, but onely by spirituall authoritie, but very many Doctours affirme, that this Act was made by the authoritie and consent of temporall Princes, seeing that according to their doctrine the Church by the institution of Christ, hath not authoritie to inflict temporall punishments, but that when shee useth, or inflicteth them, shee doth it by the pure positive law, and priuiledges of Princes.

32 And whereas Mr. Fitzherbert saith, that this Decree of the Lateran Councell, is a true definition concerning the meanes to extirpate heresie, if hee meane by the Decree of the Lateran Councell, this onely Act concerning the absolving of Vassalls from their fealty, whereof onely wee now dispute, and by a definition hee vnderstand a Decree containing some precept, or obligation either concerning faith, or manners, this is very untrue, for, as I shewed before, this Act, according to his owne grounds, containeth no precept, bond, or obligation, vnlesse he will grant, that the Councell hath authoritie to command or bind the Pope, and therefore it is not properly a true Decree, but onely the reason, cause, and end of the former Decree: and although it were a true decree, and in that sense a definition, yet for that it was enacted, not by spirituall, but by temporall authoritie, it is euident, that no infallible assistance of the holy Ghost was promised by our Sauour Christ to the making thereof.

But

But if by this Decree of the Lateran Council he vnderstand the whole Act, which containeth diuers particular decrees concerning the rooting out of heresie by *spirituall meanes* (for to root out heresie by *temporall meanes*, and inflicting temporall punishments, as I haue often said, doth not belong to spirituall, but to temporall authoritie) then I willingly graunt, that this Decree is a *true definition*, taking a *definition*, as hedoth, for a Decree, but, besides that this is nothing against mee, hee must withall remember, that, according to the doctrine of Cardinall Bellarmine, not all definitions or decrees doe appertaine to faith, but those Decrees only, which are propounded as of faith: Now if Mr. Fitzherbert will but call to minde the rules, which I haue alledged before out of Cardinall Bellarmine, to know, when any Decree is propounded as of faith, he will evidently see, that this Act of the Lateran Council concerning the *absolving of vassalls from their fealty*, is no such Decree, and will therefore bee hereafter shamed to vrge any longer the Council of Lateran, for the confirming of his new *Catholike*, or rather particular faith, and priuate spirit.

23 And if Widdrington say, faith Mr. Fitzherbert, that Decrees i Pa. 191. nu. 9 concerning matters of fact are not definitions, he sheweth himselfe very absurd. For it cannot be denied, but that Popes and Councils ordaining Decrees concerning matters of fact, doe as well define what is to be done, or practised, as they define what is to be beleued and taught, when they make Decrees concerning matters of faith; and the one is no lesse necessary for the good gouernment of the Church, then the other; and therefore their Decrees of both sorts are definitions, the one of a thing to be beleued, and the other of a thing to be done; for otherwise we must say, that the Apostles after all their consultation in their Council at Hierusalem defined nothing, which were absurd.

24 But because I will not contend of words, I doe not say, that Decrees concerning matters of fact, and manners, which are true, and proper Decrees, are not definitions, or that such Decrees, or definitions are not necessarie for the good gouernment of the Church, but that, which I say, is, that this Act of the Lateran Council concerning the deposition, not of Princes, as this man supposeth, but of Landlords, Pdestaes, or Lords, is not, according to my Adversaries grounds, a true and proper Decree, or definition, including any precept, bond, or obligation, which all true, and proper decrees doe include: and I also say, that, according to the expresse doctrine of Cardinall Bellarmine, not all the Decrees, or definitions of generall Councils doe appertaine to faith, but those onely which are propounded as of faith; and that to know, when any Decree is propounded as of faith, he assigneth these rules, to wit, If the Council doe excommunicate those, or account them for heretikes, who shall beleene the contrary, or if it declare by a firme decree, that what is defined, or decreed ought to be

be received as a doctrine of the Catholike faith, and to be firmly beleemed by all the faithfull, or the contrarie to be hereticall, or repugnant to the holy Scriptures, and that when none of these things be affirmed, it is not certaine, that it is a point of faith: Now that there is no such thing decreed, defined, or affirmed in this manner in the Lateran Councell, touching the absolving of vassalls from their fealty, it is too too apparant.

k Pag. 182. nu.
10. 1. 1.

n Set before
u. 1.

35 Wherein also, saith M. Fitzherbert, ^k it is to be considered, that the error which may be incident to a definition, or Decree concerning matters of fact, cannot fall upon the Decree, or definition it selfe (for so should the error redound to the holy Ghost, whose assistance our Saviour hath promised to the definitions of Councells, and Popes, as Widdrington himselfe ¹ granteth) but it must fall upon the execution of the Decree, as if some Prince should be deposed upon wrong information, or without due circumstance required in the Decree. But the question is not heere of error in matters of fact of this kind (I meane in the execution of Decrees) and therefore if Widdrington speake of such facts, when he saith, that Christ hath not promised the assistance of his spirit to facts, but to definitions, he changeth the question, and fighteth with his owne shadow, affirming that, which we deny not, who speake onely of the veritie iustice, and equitie of the Decree it selfe, from the which we exclude all error, and iniustice, acknowledging the assistance of the holy Ghost in the making thereof, in which respect all Catholike Doctours that have euer written, haue uniformly taught hitherto, that the Church being guided by the holy Ghost cannot erre in her generall Decrees made for the whole Church, touching either faith, or manners (as I will declare ^m further hereafter.) Whereupon I conclude that Widdrington admitting, as hee doth the assistance of the holy Ghost in the definitions of Councells, and Popes, and yet impugning the veritie, or iustice of the Decree, ascribeth error or iniustice to the holy Ghost.

m See Cha. 16.
nu. 11. 12.

36 But first, whether a Generall Councell can erre or no in her definitions, or decrees, which are made by her spirituall authoritie concerning matters of fact, or manners (for that the Pope cannot erre even in his definitions concerning faith, if hee define without a Generall Councell I neuer intended to affirme) it is altogether impertinent to the present Act of the Lateran Councell concerning the absolving of vassalls from their fealty, seeing that this Act, as I contend, was not made by her spirituall authoritie, but by the authoritie, license, and consent of temporall Princes, to the making of which Decrees no Catholike Author affirmeth, that Christ hath promised his infalible assistance, or that the Church is guided therein by the holy Ghost.

37 Secondly, albeit at this present I doe not say, that the Church, or a Generall Councell can erre in her generall Decrees concerning matters of fact and manners, yet I say, as I said before, that Melchior Canus a man of such learning and pietie, that M^r. Fitzherbert dare not, as I

thinke

thinke, accuse him of heresie, doth confidently say, that without danger of heresie it may be held, that the Church in some such law, or custome may erre, and that bee dare not affirme it to bee hereticall, to say that some such law, or custome of the Church is uniuersall; and also that in manners not common to the whole Church, but which are referred to primate persons, or Churches, the Church may erre through ignorance, not onely in her iudgement of things done, but also in her primate precepts, and lawes; and generally he saith, that if any one of those things, whereon the iudgement of the Church doth depend, be uncertaine, the decree of the Church cannot be firme, and certaine, whether the question be speculative, or practickall, of which sort, saith he, is that decree, by which she doth canonize or indige holy men to be numbred in the Catalogue of Saints. By all which it is euident, that from the Act, or Decree, if we will needes call it so, of the Lateran Councell concerning the absolving of vassalls from their fealtie, stretch it as farre as may be, no colourable, much lesse conuincing argument can bee brought to make the doctrine for the Popes power to depose Princes, to be a point of faith, and the contrary to be hereticall.

38 Thirdly, when I affirmed, that from the vndoubted doctrine of the Catholike Church this onely can be gathered, that Christ hath promised the infalliable assistance of the holy Ghost, not to facts, or probable opinions of Popes, and Councells, but to definitions onely, by facts I vnderstand such acts, as are not grounded vpon any doctrine of faith, and by definitions, I meant those Decrees, which are propounded as of faith: or, which without any doubt, or controuersie are deduced euidently from such infallible definitions, or principles of faith, of which sort, this Act, or Decree of the Lateran Councell is not, as it is euident for those many reasons before alledged.

39 And whereas Widdrington addeth, saith Mr. Fitzherbert ^a and other circumstance, to wit, that the Councell did not determine by this Decree, that the future deposition of Princes should proceede from an vndoubted lawfull authoritie, or from the Ecclesiasticall power onely without the consent of Princes, he is no lesse impertinent then in the former: for what need was there to determine that the Pope had an vndoubted lawfull authoritie to depose Princes, seeing that the same was not then any way called in question, but admitted for a knowne truth, as it is euident, for that the whole Councell determined the practise of it, which they would not haue done, if they had doubted of the lawfulnessse of the Popes authoritie in that behalfe.

Nacler. gen.
rat. 41. ad ann.
12.

But first, Mr. Fitzherbert doth egregiously abuse both me, and his Reader, in adding both heere, and aboue the word [Princes] as though I had acknowledged that Act of the Lateran Councell to concerne the future deposition of Princes, whereas I euer affirmed, that it did onely concerne inferiour Magistrates, Possessors, Landlords, and Lords, and not So-

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veraigne Princes; and therefore I said onely [*that future deposition*] and my *Adversarie* addeth of himselfe the word [*Princes*.]

40 Secondly, whether it was needfull, or no, for the *Councell* to declare, whether that *All* concerning the *future deposition* of temporall *Landlords*, *Magistrates*, or *Lords*, or rather the *denouncing* of them *ipso facto* *deposed*, was made by spirituall, or temporall authoritie, it is nothing materiall to our question; this being sufficient for me, that seeing that very many *Catholike Doctors* do affirme, that the *Ecclesiasticall power* by the institution of *Christ* doth not extend to the *inflicting* of temporall punishments, as is the *absolving* of *Vassals* from their temporall fealtie, and the *Councell* did not declare, by what authoritie that *All* was made, any *Catholike* man may *probably*, and without any note of *temeritie*, much lesse of *heresie*, affirme, that it was made not by any vndoubted lawfull *Ecclesiasticall* authoritie, but onely by the authoritie, licence, and consent of absolute *Princes*. But although it were not *absolutely necessarie*, that the *Councell* should haue declared, whether that future deposition was to proceed from *Ecclesiasticall*, or temporall authoritie, yet to make it a *point of faith*, (which all men are bound to beleeue) that the aforesaid deposition was to proceede from *Ecclesiasticall* authoritie, and not temporall, it was *necessarie* that the *Councell* should haue declared the same, especially supposing, that it is *truely probable*, that the *Ecclesiasticall power* doth not extend to the *inflicting* of temporall punishments. As also if the *Pope* being now both a *spirituall Pastor*, and also a *temporall Prince*, should make a law, whereof there may be made a *probable* doubt, whether it was made by vertue of his *spirituall*, or of his *temporall* authoritie, it is *necessarie*, to make this point certaine, and out of controuersie, that he declare, by what authoritie, temporall, or spirituall that lawe was enacted.

41 Thirdly, it is very vntrue, that the *Popes* power to *depose Princes* was not then any way called in question, but admitted for a knowne truth, for that from the very first broaching thereof, *there alwayes hath bene a great controuersie*, saith *Fa. Azor*, betwixt Emperours and Kings on the one side, and the Bishops of Rome on the other, *whether incertaintie causeth the Pope hath a right, and power to depriue Kings of their kingdomes*. And the *euident reason*, which *M^r. Fitzherbert* bringeth hereof, to wit, for that the whole *Councell* determined the *practise* of it, is the maine question which is now betwixt vs, and so he bringeth for an *euident reason*, that which is the controuersie, and to be prooued, which is an *euident petitio principij*, and condemned as *vicious* by all *Logicians*. Neither doth *Nauclerus*, whom my *Adversarie* citeth in the margin, as though hee would make his *Reader* beleeue, that *Nauclerus* affirmeth, that the whole *Councell* decreed the *practise* thereof, affirme any such thing. For *Nauclerus* words are onely these: *There were many things truly then consulted of,*

yet nothing could be plainly decreed, for that they of Pisa, and Genua made warre one against the other by Sea, and those on this side the Alpes by land. Yet some Constitutions are reported to be published, whereof one is, that whensoever the Princes of the world shall offend one the other, the correcting belongeth to the Bishop of Rome. Where you see first, that Nauclerus expressly saith, that albeit many things were consulted, yet nothing at all could be plainly decreed. Secondly, that it was onely a report, that some constitutions were published. Thirdly, he doth not say, that these Constitutions were of the whole Council, or onely of Pope Innocent and recited in the Council as Matthew Paris said. Fourthly, that this report was untrue, it is also plaine, seeing that there is no such Constitution, as hee mentioneth, to be found in the Lateran Council. And lastly, albeit there were such a Constitution, it is nothing to the purpose, seeing that it onely saith, that when Princes are at variance, it belongeth to the Pope to correct them, to wit, by Ecclesiasticall Censures, which is not the question, but that it belongeth to the Pope to correct Princes, by deposing them, and by inflicting temporall punishments, which is the maine controuersie, and whereof the practise, as Mr. Fitzherbert saith, citing Nauclerus, in the margent, was decreed by the whole Council, Nauclerus speaketh not any one word at all.

42. Also, Pope Innocent the third, saith Mr. Fitzherbert under whom the Council of Lateran was held, had not past three or foure yeeres before deprived the Emperour Otho of his right to the Empire by a sentence of Excommunication, and deposition; by vertue whereof Frederike the second (whose Ambassadors were present at the Lateran Council) was made Emperour, who also was afterwards deposed by Innocentius the fourth in the Generall Council held at Lyons: as likewise Leo the Emperour was before deprived of his rents, and renounced in Italie for heresie by Pope Gregorie the second. Also Childerike King of France, and Henry the fourth Emperour of that name had beene deposed from their states, and dignities by the authoritie of the Sea Apostolike before the Council of Lateran. Therefore the said Council had reason to thinke it altogether needelless to determine any thing concerning the lawfulnessse of a matter already admitted, and practised.

43. But truly any learned man would be ashamed to argue so unlearnedly, that because some Popes before the Council of Lateran deposed Christian Princes, wherein neuerthelesse they were greatly contradicted by Princes and subiects, therefore the Popes authoritie to depose is undoubtedly lawfull; or because a matter is already practised, and admitted by many, though contradicted, and not admitted by others, there needeth no determination to make the lawfulnessse thereof certaine, and manifest. It is true, that diuers Popes since the time of Gregory the 7. who was the first, that contrary to the custome of his Ancestors

o Pag. 183.
u. 13.
Naucler gene-
ral. 42 ann.
1246.
Matth. Paris.
in Henrico. 3.
See Adolp.
Schule. pro
Card. Bellca. 12
& 14 where he
consulteth the
answers of
Widdrington
to these exam-
ples.

challen-

Onuphris lib. 4
de variis creat.
Rom. Pont.

P. Apolog. num.
404. & seq.

Onuphris ubi
supra.

Otho Frisingensis
lib. 6. cap. 35.

Sigebert. ad an-
num 1088.

Godfridus vi-
verb. par. 17.

Trithem. in
Chron. monast.

Hirsang. ad ad-
num 1106.

q. Vide epistol.
Greg. 7. ad Hen-
man. lib. 8. E-

pist. 21.

1. In Dictionar.
in verbo electio.

Abbas Frisberg.
ad annum 1198

Naucler. gener.
41. ad annum

1214.

Naucler. gene-
rat. 41. ad ann.

1193.

Math. Paris in
Joanne Rege an.

1210.

challenged to himselfe authority to depose the Emperour, saith Onuphris, haue put in practise this their pretended authority, but it was euer contradicted both by Christian Princes and subiects. And in particular concerning those examples, which Mr. Fitzherbert here bringeth, it is euident, that many Catholike Antiquaries, whom I related elsewhere, doe denie, that Pope Zachary did depose Childerike, in any other manner, then by consenting to the Peeres of France, who deposed him, and by declaring that he might be lawfully deposed by the Peeres of France, and his subiects absolved from their oath of allegiance. That of P. Gregory the second, or the third, for my Adversaries do not agree which of them it was, Onuphris calleth a fable. Pope Gregory the 7. did indeede depose Henrie the fourth Emperour, but how greatly hee was contradicted therein, all Histories make mention, and how it was accounted a great noueltie, it is manifest by Otho Frisingensis, Sigebert, Godfridus, Trithemius, & Onuphris; and also by the Epistle of Hermannus Bishop of Metz to Pope Gregory concerning this poynt.

44 Also Pope Innocent the third did depose Otho, as before he deposed Philip, and hereof he wrote a Decretall Epistle, or Breue to the Duke of Zaringia, which is registred in the Canon Law, in Cap. *Venerabilem de elect. & electi potestate*, which decree or decretall Epistle Albericus a famous Lawyer affirmeth, to be made by Pope Innocent against the liberty and rights of the Empire: And Abbas Vrspergensis not only reprehendeth that decree, as containing in it against Philip many absurd things, and some falsehoods, but he also taxeth the Princes and Barons of perurie, who, saith he, being taught by diabolical art, did not regard to breake their oathes, nor violate their faith, now forsaking Philip, and adhering to Otho, and contrariwise. And how this deposition of Otho was contradicted by him, Nauclerus, whom my Adversary citeth, doth plainly testifie, who writeth that Otho speaking to the Princes of Germany, affirmeth, that it belongeth to their right, and not the Pope, to create and depose the Emperour. But to see in what manner Otho was made Emperour, to the infinite wrong of Fredericke the second being then a child, and without fault, and who in his cradle was by almost all the Princes of Germany in the time of his father Henrie the sixth Emperour chosen to be their King, and to whom they made their oath of allegiance, and for what cause this Otho after hee was made Emperour was deposed by the Pope, it would make euen a stonie heart to bleed; and truly my Adversaries in vring these examples, doe in my iudgement shew great want of discretion, in giuing thereby occasion to rip vp many odious matters, and which for reuerence to the *Sea Apostolike*, it were much better they were buried with perpetuall silence, and obliuion. See Nauclerus, and Mathew Paris cited heere by my Adversary.

45 Also Pope *Innocentius* the fourth, in the presence of the Councell of Lyons, but without the approbation of the whole Councell did depose *Fredericke* the second, but how greatly he was contradicted therein, both by the Emperour himselfe, and also by the Princes of Germany, and others, it is manifest. The Pope, saith *Abbas Staden*, did upon *S. James* his day renew in the said Councell of Lyons, the sentence of Excommunication against the Emperour, and by his owne authority (therefore not of the Councell) did depose him from his Imperiall dignity, and this deposition he published throughout all the Church, commanding, under paine of Excommunication, that none should hereafter name him Emperour, which sentence flying throughout the world, certaine of the Princes with many others did gainsay, affirming, that it doth not belong to the Pope to create, or depose the Emperour, but to crowne him, that is chosen by the Princes. And *Naucerus*, to whom *M^r. Fitzherbert* in the margin remitteth his Reader, affirmeth; that the Emperour *Fredericke* in a letter to the King of France, contended to proove, that the Popes sentence denounced against him was in law, and right inuallid, and among other reasons of the Emperour hee alledged this, that although the Bishop of Rome hath full power in spiritualls, that he may absolue and binde all sinners, yet it was neuer read, that by the graunt of the law of God; or man, he hath power to transerre the Empire at his pleasure, or to iudge temporally of Kings, and Princes in depriving them of their kingdomes. And also what contradiction Pope *Innocent* found by that practise, *Trithemius* relateth, affirming, that *Fredericke* after his deposition came into Italy, and did assault the Pope, and the people subiect to him with so great evils, that he was weary of his life, and wished that he had neuer thought of that deposition. Iudge now, good Reader, what *M^r. Fitzherbert* dare not auouch, affirming so boldly, and shamefully, that the authority of the Pope to depose Princes was not then doubted of, or any way called in question, but admitted for a knowne truth, and with what security thou maist repose thy soule, and whole estate vpon the learning, and conscience of this man, who with such grosse fraude and ignorance seeketh to delude thee. But to these examples I haue heretofore, partly in my *Apologie*, and partly in this *Treatise* sufficiently answered.

46 And whereas *M^r. Fitzherbert* in the margin, remitteth his Reader to *D. Schultzenius*, for the confutation of my answers to these examples, if the Reader will be pleased, after he hath read ouer this my *Treatise*, wherein I confute this *Doctour*, but onely to conferre my answers with his Replies, hee will easily perceiue, how egregiously hee shufflerh, and that he hath much adoe to excuse *Cardinal Bellarmine* from manifest improbability, and bringeth no one argument, which prooueth any one of my answers to bee improbable: and if hee desire to see this *Doctours* Replies more particularly answered, I remit him likewise:

Naucerus generat. q. 2. ad ann. 1142. & seq.

Trithemius in Chron. M. m. cxi. Hirsang. ad ann. 1144.

wife for this present to Maister John Barclay, to whom as yet no answer hath bene made, in his booke against Cardinall Bellarmine's answer to his father, but especially to the Bishop of Rochester, who although a Protestant, yet out of Catholike Ambitions, and Catholike grounds, hath very cleerely, and particularly confuted all these examples, and what Cardinall Bellarmine, and D. Schuckmynus, if they bee two sundrie men, haue brought to confirme the same.

[Pag. 184.
nu. 14.

47 Besides that, saith M. Fitzherbert neither the Church nor yet Secular Princes doe use to declare in their lawes from what authority the execution thereof shall proceede, but it sufficeth, that their authority to decree, ordaine, and execute their Lawes is sufficiently knowne, and acknowledged by their subiects; whereby it appeareth that Widdrington doth very idly require, that the Councell of Lateran should haue declared, that the future deposition of Princes should proceede from an vndoubted Lawfull authority; being a matter, which they held to bee without all doubt, or Controuersie.

48 But as for Secular Princes it is not needefull for them to declare, by what authoritie they make temporall lawes, and ordinance, or inflict temporall punishments; for that no Catholike euer made doubt, but that they had full authoritie to doe the same: but seeing that it hath euer bene a Controuersie among Catholikes, and very many Doctors doe affirme, that the Ecclesiasticall power by the institution of Christ doeth not extend to the inflicting of temporall punishments, whensoever the Church doth inflict such punishments without declaring by what authoritie she doeth the same, we may probably answer, according to the grounds of these Doctors, that shee doeth it not by her spirituall authoritie, which can inflict no such punishments, but by the authoritie, license, and consent of temporall Princes: and therefore that we must certainly beleue, that the Councell of Lateran did ordaine the future deposition, not of temporall Princes, as this man saith, but of inferiour Landlords, Magistrates, or Lords, by her vndoubted Ecclesiasticall, or spirituall authoritie, it was necessarie, that the Councell should haue declared the same, seeing that both Catholike Princes, and subiects haue euer made a great doubt, and controuersie concerning this point; neither could the Fathers of that Councell bee ignorant hereof; who both saw, and felt what great contradiction, and opposition both Philip, and Otto, and the Princes of Germany, and their fauourers made against this pretended authoritie of the Pope to depose the Emperour, and to dispose of temporall matters belonging to the Empire.

[Pag. 184.
nu. 15.

42 See Chap. 11.
nu. 7. 8. 9. & f.
and see also my
answer to the
same.

49 And as for the consent of Princes, saith Mr. Fitzherbert, which Widdrington also requireth to Decrees concerning temporall matters, I haue already answered him: nothing that points, and sheweth, as is with

the example of the Apostles themselves, as by the practise of the primitive Church, when there were no Christian Emperours, or Princes, that their consent is needlesse to the validitie of Ecclesiasticall Decrees; and that if the same were needfull, all Christian Princes should stand bound to obey the Decrees of the Councell, because being enacted by their generall consent in a generall Parliament of all Christendome, it cannot bee repealed without another generall Councell of like authoritie: So as thou seest, good Reader, that Widdringtons third answer is in every thing defective, and no lesse improbable then the former. Neuerthelesse hee presumeth so much upon the probabilitie thereof, that hee undertaketh to answer also a Reply, which hee imagineth, we will make to his last argument, (he should rather have said last answer) whereof I will examine the particulars in the next chap.

50 And also in those places, cited heere by my *Adversarie*, haue fully confuted his answeres, and haue cleerely shewed, that by no example of the Apostles, nor any one practise of the primitive Church, when there were no Christian Emperours, or Princes, it can bee conuinced, that the Apostles by their ordinarie power (for of their extraordinarie, and miraculous power I doe not now dispute) or any Pope, or Councell in the primitive Church did inflict temporall punishments. And whether a temporall law made in a generall assemblie, or Parliament of all Christian Princes, or confirmed by the generall consent of them all, cannot bee repealed, but by such another generall Assemblie, or by the generall consent of them all, I haue sufficiently declared aboue * out of the doctrine of Fa. Suarez, when I treated of the law of Nations. Two things only may for this present be added thereunto. The first is, that no humane law, either Ecclesiasticall or Cinill, doth binde, vnlesse it bee approoued by the acceptance of the people, as the common opinion of *Diuines*, and *Lawyers* doeth affirme: y and that many Decrees of this Lateran Councell, and namely this Decree, which is now in question, that every temporall Officer, Land-Lord, or Lord, when they come first to their Office, or Landes must take an Oath to roote out heretikes from the territories subiect to their Iurisdiction, was neuer obserued, or put in execution in this kingdom; and in many other Kingdomes, and Nations it is manifest, for ought wee can gather by the relation of *Histories*.

51 The second is, that there is great difference to bee obserued, betwixt temporall kingdomes, and the spirituall kingdom, or Church of Christ, and consequently betwixt the generall assemblies, or Parliaments of them both: for that all Christians doe make one true, proper, and totall mysticall body, or Common-wealth, which is the Catholike Church, and spirituall kingdom of Christ, really vnited in spiritualls, and subiect to one supream visible head, or spirituall Superiour thereof: but all Christians doe not make one true, and totall


x Cap. 8. m.
26. & seq.

y See Disput.
Theologic. 6. sen.
3. m. 25.

Civil body, or Common-wealth, really vnitied in temporalls, and subiect to one supream visible head, or temporall *Prince* thereof; but they doe make diuers *entire* temporall kingdomes, or Common-wealths; so that throughout all the whole world there is but one true *entire Catholike Church*, or mysticall body of *Christ*, but there are many true *entire temporall kingdomes*, and common-wealths. From whence the iudicious *Reader* may easily gather the reason, why a *Decree* made by a *Generall Councell*, or *spirituall Parliament* can not be repealed, but by another *generall Councell* of like authority, and why a *Bishop* for example of *Spaine*, as he is a part of the *generall Councell*, which is a true *formall body* representing the whole *Catholike Church*, hath power, and iurisdiction over the *Christians* of another temporall kingdom, for example of *France*, and contrariwise, but a *temporall* or *Civil law* made by the consent of all *Christian Princes*, may bee repealed by euery *Prince*, for as much as concerneth his owne kingdom, by whose onely authoritie that *law* had force to binde in his kingdom, which in temporalls is subiect to no other *Prince*, but himselfe alone; and therefore as that *law* had not force to binde in his kingdom from the authoritie of any other *Prince*, so the authoritie, and consent of no other *Prince* is necessarie for the repealing, and abrogating of the same. So as thou seest, good *Reader*, that my *third* answer is no way defectiue, but in euery thing sound, and sufficient, and that *Maister Fitzherbert* in the impugning thereof, hath very grossely bewrayed his egregious fraude, and ignorance.

C H A P. XIII.

Wherein three Instances, grounded upon three examples of Popes decrees and sentences brought by Widdrington to confute three arguments of Fa. Lessius whereby hee laboured in vaine to demonstrate that the foundations of the decrees and sentences of Popes and Councells must bee certaine and of faith, are proued to bee sound and sufficient, and the first example brought by Widdrington is confirmed, and M. Fitzherberts exceptions against the same are confuted, and hee himselfe in setting downe Widdringtons instances and applying them to the decree of the Lateran Councell is conuincd of manifest fraude and falshood.

1. fter I had given the aforesaide third answer to that *Act* of the Lateran Councell, as you haue seene before, I insinuated another difficultie ^a concerning that *Act* in these wordes. I o- ^{a In the afore.}
 mit now, that those wordes [*that from that time* ^{said Preface}
 the Pope may denounce, or declare his Vassalls ^{nu. 51.}
 absolved from his fealtie] doe containe in them
 some difficultie: for if wee will regard the force, or proprietie of
 the wordes, they seeme onely to signifie, that it belongeth to the
 Pope not truely to *absolve* Vassalls from their fealtie, but onely to
 declare them alreadie absolved, which is not the question, which
 wee haue now in hand. But this difficultie Mr. Fitzherbert passeth
 ouer with silence, and skipperth to examine three instances, which
 I did not onely imagine, or suppose, as hee saith, would be made against
 my last answer, but which Fa. Lessius in those expresse wordes by me re-
 lated in a booke of his called *Disputatio Apologetica pro potestate Summi*
Pontificis (which went heere vp and downe for a while in hugger mug-
 ger, and whereof by chance I had then a view, but now it cannot
 be seene but by very speciall and secret friends, which is a manifest
 token of a great diffidence in his cause) did bring to demonstrate, and
 cleerely conuince, that it is a manifest point of faith, that the Pope hath
 power and authoritie to depose temporall Princes, and to absolve sub-
 iects from their temporall allegiance.

2 And because Mr. Fitzherbert doth ouer-much pare and curtoll
 those three instances, which I brought to confront and paralele with
 the three arguments, or obiections vrged by Fa. Lessius, I thinke it

not amisse first of all to relate them word by word, as there they are set downe by me. Wherefore the first argument or obiection of Fa. Lessius is this.

1. Argument of Fa. Lessius.

That doctrine doth appertaine to faith, which Popes, Councils and Doctors doe eyther propound, or suppose as a certaine, and undoubted ground or foundation of their Decrees and sentences; but this doctrine for the Popes power to depose Princes, and to absolve subiects from their allegiance, is eyther propounded, or supposed by Popes, Councils, and Doctors, as a foundation of many Canons, and iudiciall sentences, therefore this doctrine doth appertaine to faith.

2. Argument.

3 His second argument is this: If a Generall Councell should expressly define, that the Church hath this authoritie, no Catholike could make any doubt, but that this matter should appertaine to faith, but seeing that it doth suppose it as a sure, and certaine foundation of her Decrees and Sentences, shee is thought no lesse to affirme the same, therefore it ought to be accounted no lesse certaine.

3. Argument.

4 His third argument is this: It is a poynt of Faith, that the Church cannot erre in doctrine, and precepts of manners, by teaching generally any thing to be lawfull, which is unlawfull, or unlawfull which is lawfull, or also by commanding any thing which is, per se, of it selfe unlawfull: for such an error is no lesse pernicious to the faithfull, then is an error in faith. But if the Pope should not have that authority to deprive temporall Princes of their dominions, the Church should erre in doctrine of manners, and that in matters of very great moment: For shee teacheth, that after a Prince is deposed by the Popes authority, all his subiects are absolved from his obedience, and that his dominions may bee taken by another, as it is manifest by the Councils: Also, that after a Prince is publicly excommunicated, his subiects are absolved from their Oath of Allegiance, in so much that they are not bound to obey him untill hee be reconciled, yea and shee doth forbid them to obey him, if the Censure be denounced. All which shall be false, and not onely false, but also pernicious, for that the subiects shall thereby be incited to rebellions and perjuries, yea and against their will be compelled thereunto: Therefore the Church doth erre in doctrine of manners, and commandeth rebellions, and perjuries, and by her Censures doth compell men thereunto, but to affirme this is hereticall, therefore that also from whence this followeth, is hereticall, to wit, that the Church hath not authority to absolve subiects from the bond of their oath, and from their obedience.

5 Thus argueth Fa. Lessius, to which his arguments I did not answer in forme, but onely propounded three other instances, or arguments to confront them with his, whereby the learned Reader might cleerely see the weakeneesse, and insufficiency of his obiections; which my arguments I grounded in like manner vpon the dispensations, secrets, and iudiciall sentences of certaine Popes in these words.*

* *Præfatio Apol. nu. 56. & seq.*

6 And first of all, is not the due administration of Sacraments a matter of great moment, and chiefly belonging to the Popes office, & is not an error concerning it to be accounted very pernicious? But the Pope hath oftentimes given leaue to a Priest, who was no Bishop, to minister the Sacrament of Confirmation, ^b whereas it is a great cōtrouersie among Divines, whether the Pope can giue leaue to such a Priest to administer this Sacrament. Seeing therefore that to the Sacraments of the new Law, as the Concell of Florence declareth, ^c are required three things, the matter, the forme, and the Minister, of which if any one be wanting, it is not a true, and perfect Sacrament; and that it is a very great sacriledge, that the due, and lawfull matter, and forme of a Sacrament should be seriously applied by an vnlawfull Minister, if the Pope in whom only, according to these Divines, the whole Ecclesiastiall power, and authority to define infallibly matters of faith doth chiefly reside, cannot grant authority to a Priest, who is no Bishop, to administer this Sacrament, as very learned Divines without any note of heresie, or errour doe hold, is it not a very great errour to grant such licences, whereby there is danger, that most heinous sacriledges, to wit, the inuallid administrations of Sacraments, should be committed?

7 Moreover, Pope Sixtus the fourth did in honor of the immaculate conception of the blessed Virgin Mary make a Decree ^d for celebrating the Feast of her Conception, to the end that all faithfull Christians should giue thanks, and praise to almighty God for her wonderfull conception, which he also calls immaculate, ^e of the immaculate Virgin; and notwithstanding it is vncertaine, and disputed by Divines on both sides, whether the B. Virgin was conceived in originall sinne, or by the speciall providence of God preserved from the same: Is it not therefore from hence manifest, that the doctrine which is propounded, or supposed as a foundation of an Apostolicall constitution, and decree, and which belongeth to the religious seruice of God, is not so certaine, and vndoubted a truth, but that without danger of deadly sinne it may be impugned.

8 Lastly, some Popes haue oftentimes dispensed with Princes, who haue made a solemne vow of chastity in approoued Religions, to contract matrimonie, ^f as it is recorded by Historiographers of Constantia, daughter to Roger King of Sicilie, of Calimirus King of Poland, and of Ramirus King of Aragon, and of Nicholas Iustinian a noble Venetian; but if the Pope hath no authority to dispence in the solemne vowes of religious chastitie whereof there is a great cōtrouersie among Catholike Doctours, & doubtlesse such dispensations would cause very many hainous sinnes, and doe also great wrong to other Princes, who by such dispensations should be vniuſally de-

^b As is appeareth by S. Gregory lib. 3. cap. 26. and it is related in the Canon, petuenit, dist. 9. and many Abbots at this day haue the same faculty.

^c Concil. Flor. circa finem in Decreto Eugen. c. Adrianus Papam 4. in q. de consess. ar. 3. Durand. m. 4. dist. 7. q. 3. & 4. Bonavent. ibid.

^d Alphon de Cast. in l. d. h. ver. bo confirmatio. Petrus Soto l. 2. de confirm. and others.

^e It is to be seen in the 4. tome of the Councils, after the life of Pope Sixtus.

^f In the second d. c. See Azor. tom. 1. l. 12. c. 7.

^g For S. Thomas. and all his followers, tom. 2. in 2. in 2. c. 4. Iohannes relaterib. lib. 8. de Matrimon. dist. 8. doe deny it: as the Pope hath such a power, and Zanche also saith that it is possible.

cc priued of their iust title to raigne, and to succcede in their inher-
 cc tance. These bee the examples whereon I grounded my three ar-
 cc guments or instances to confront them with the former three of
 cc Fa. Lessius in these words.

1. Instance of
Widdrington.

h For they
grant that the
Pope also is
without a C. ſ.
cell hath this
infallibility, &
the Councell
without the
Pope hath
it not.

cc 9 May we not therefore according to our aduersaries principles
 cc argue in this manner: That doctrine doth appertaine to faith, which the
 cc Pope (in whom onely according to these Doctours, all authoritie
 cc to define infallibly matters of faith doth reside^b) doth eſther pre-
 cc pound, or ſuppoſe as a certaine, and vndoubted ground, or foundation of
 cc his Decrees and ſentences (this is the Maior propoſition of Fa. Leſſius
 cc firſt argument) But this doctrine, that the B. Virgin was not concei-
 cc ued in originall ſinne, that the Pope can diſpence in the ſolemn vow
 cc of chaſtity, and giue leaue to a Priſt, who is no Biſhop, to Miniſter
 cc the Sacrament of Confirmation, is propounded or ſuppoſed by Popes as
 cc ground, or foundation of many their decrees, diſpenſations, and indi-
 cc ciall ſentences, therefore that doctrine doth appertaine to faith; This is
 cc the ſubſtance of my firſt inſtance, but in forme made like to Fa. Leſſius
 cc his firſt argument.

2. Instance.

cc 10 Secondly, if the Pope ſhould expreſſly define that the Church
 cc hath ſuch a power, (to wit, to diſpence in the ſolemn vow of chaſti-
 cc ty, to giue leaue to an inferiour Priſt to adminiſter the Sacrament
 cc of Confirmation, and to define that the bleſſed Virgin was not concei-
 cc ued in originall ſinne) no Catholike (of thoſe eſpecially who
 cc hold that the Pope defining without a Generall Councell cannot erre)
 cc can make any doubt, but that this matter ſhould appertaine to faith,
 cc but ſeeing that Popes doe ſuppoſe it as a ſure and certaine fon-
 cc dation of their Decrees, and ſentences, they are thought no leſſe to
 cc affirme the ſame, therefore it ought to bee accounted no leſſe cer-
 cc taine.

3. Instance.

cc 11 Thirdly, it is a point of faith, as our Aduerſaries ſuppoſe,
 cc that the Pope cannot erre in doctrine, and precepts of manners, by te-
 cc ching generally any thing to be lawfull, which is unlawfull, or to be unlaw-
 cc full, which is lawfull, or alſo by commanding any thing, which, per ſe, of it ſe-
 cc ſelfe is unlawfull: For ſuch an errour is no leſſe pernicious to the faithfull,
 cc then an errour in faith: But if the Pope ſhould not haue that authoritie
 cc to diſpence in the ſolemn vow of chaſtity, or to giue leaue to an inferiour
 cc Priſt to adminiſter the Sacrament of Confirmation, the Pope ſhould
 cc erre in doctrine, and precepts of manners, and that, in matters of very
 cc great moment: For he teacheth, that the Sacrament of Confirmation
 cc miniſtered by an inferiour Priſt; who is no Biſhop, is a true Sacrament.
 cc Alſo, that if a Prince by the Popes diſpenſation doe marry a profeſſed
 cc Nunne, that marriage to be lawfull and valed, and that their children are
 cc lawfully begotten, and ought to ſucceed in the Kingdome: and notwith-
 cc ſtanding

standing that the next of the blood Royall should for want of the lawfull
 issue of this Prince pretend a right to the Crowne, yet the Pope may with-
 out doubt, according to our Aduersaries doctrine, command, and also by
 Censures compell the Subiects to acknowledge the issue begotten by that
 marriage, wherein the Pope did dispenſe, to be their true, vndoubted and
 rightfull Prince: All which shall be false, and not onely false, but also per-
 nicious, for that the Subiects shall be incited thereby to doe iniuries, and a-
 gainst their wills be compelled thereunto, and Princes shall obtaine free li-
 berty and licence from the Pope to commit incests and sacriledges: There-
 fore the Church doth erre in doctrine of manners, and counsaileth sacri-
 ledge, and commandeth iniustice, and by Censures compelleth thereunto:
 But to affirme this it is heretical, therefore that also from whence followeth,
 is heretical, to wit, that the Pope hath not authority to dispenſe in the so-
 lemne vow of chastity, and to giue leaue to an inferior Priest, who is no
 Bishop, to minister the Sacrament of Confirmation.

12 Thus I argued in my *Apologeticall Preface*, and then I con-
 cluded thus: Let my Aduersaries solue these difficulties, and I will forth-
 with by their owne solutions, untie the aforesaid knots, which they imagine
 cannot in any wise be solued, or loosed. Whereby it is apparant, that I
 did not oppose, or apply any one of these three instances either to the
 decree of the *Lateran Councell*, or to any other Canon of Pope, or Coun-
 cell, which are usually brought by my Aduersaries to prooue, that the
 doctrine of the Popes power to depose Princes is a point of faith: but
 as *Fa. Lessius* did not apply in particular those his three arguments, ei-
 ther to the Canon of the *Lateran Councell*, or to any other Canon, or iu-
 diciall sentence of the Pope or Councell, but left them to be applied by
 others to this or that Canon, except onely his second argument, which
 he seemeth to apply to the *Lateran Councell*, so I thought it sufficient
 for that time, to propound onely three other like instances in generall,
 and not to compare or pallel any of them to any decree, Canon, or
 iudiciall sentence of Pope, or Councell in particular, whereby my Aduer-
 saries contend to make manifest, that this their doctrine for the Popes
 power to depose Princes is certaine, and of faith, but left the applicati-
 on of them to this, or that Canon in particular, vntill such time that
 they themselves would either apply those three arguments to some
 particular Canon of Pope, or Councell, or answer in forme to the
 three instances, which I brought to confront with theirs.

13 Now Mr. *Fitzherbert* neither answereth in forme to those three
 instances of mine, which I grounded vpon those three examples of
 Popes, nor so much as setteth them downe to be seene by his Reader,
 but cauilth onely, as you shall see, at those three examples, whereon
 my three instances were grounded, and pretendeth to shew a great
 disparitie betweene those three examples, and the Decree of the *Late-*

i Pag. 185. nu. 1

Widdr. vbi
pra nu. 52.

ran Councell, and also hee would seeme to haue plaid the man, and to haue quite overthrowne my three instances, whereas hee hath not so much as touched, or mentioned them at all. Thus therefore hee beginneth this Chapter: *My Adversary Widdrington hauing hitherto shewed great weaknesse in himselfe, and his cause by his answers to our arguments, pretendeth to confute a Reply, which he supposeth we will make to his last answer, diuiding the said Reply into three points, whereof the first is, that the foundations, and grounds of the Ecclesiasticall Canons, and Decrees of Popes and Councells doe belong to faith, whereupon Widdrington saith we inferre, that seeing the Fathers in the Councell of Lateran grounded their Decree vpon this doctrine, that the Pope hath power to depose Princes, therefore the said doctrine must needs be certaine, and a matter of faith.*

Ibid. nu. 53.

14 The second point is, that seeing no Catholike man would doubt, but that all Christians were bound to beleue, as a matter of faith, that the Pope hath power to depose Princes, if a generall Councell should expressly define it, therefore we say, that soasmuch as the Councell of Lateran doth suppose the same as a sure foundation of their foresaid Canon, and Decree, all Christians are no lesse bound to beleue it, then if they had expressly determined, or defined it.

Ibid. nu. 54.

15 The third point is, that it being a matter of faith, that the Church cannot erre in generall precepts, or Decrees concerning manners, it followeth, that the Councell of Lateran, hauing ordained the deposition of Princes, neither hath erred, nor could erre in it, especially seeing that their error would be most grievous, and pernicious to all Christians; for thereupon would follow tumults, seditions, and warres, by reason of the revolts, and rebellions of subiects against their Princes, and the breach of their Oathes of fidelity, which were no lesse then periury, if the Pope had not authority to discharge subiects of their allegiance, and fidelity to their Princes. Thus in effect though somewhat more amply, doth Widdrington argue for vs.

16 But first, whether I, or my *Adversary* haue shewed great weakenesse in our selues, and in our cause, neither hee, nor I, but the iudicious Reader must bee the Iudge, for with the same facilitie I may retort his owne words backe vpon himselfe. Secondly, I did not onely suppose, that they would make those three arguments, but I related them word by word, as I found them in Fa. *Lessius*, which neuertheless Mr. *Fitzherbert* hath very lamely recited, especially the first, and last argument, leauing out many principal, and very important words, as you may see, if you will compare them together. Thirdly, I did not say, that hereupon they did inferre, as this man vtually saith I did, that seeing the Fathers in the Councell of Lateran grounded their Decree vpon this doctrine, that the Pope hath power to depose Princes, therefore this doctrine must be certaine, and of faith. For albeit Fa. *Lessius* may seeme to apply

apply his *second* argument to the Decree of the *Lateran Councell*, which neuertheless he may also apply to the Decree of the Councell of *Lyons*, yet his other arguments, especially his *first*, are so generall, that they may be applyed to many other Decrees, Canons, dispensations, and iudiciall sentences of *Popes*, or *Councells*: and if *Fa. Lessius* had particularly applied them to the *Lateran Councell*, I might without more adoe haue easily answered them by denying, as there I did, that the *Councell* did suppose as a foundation of that Decree, or Act concerning the absolving of Vassals from their fealtie, this doctrine, that the *Pope* hath power to depose *absolute Princes*, but only inferiour Magistrates, Land-Lords, or Lords by the authoritie and consent of *absolute Princes*.

17 Now for the answer, and confutation, saith^k *M^r. Fitzherbert*, of *k Pag. 186.* these three arguments Widdrington produceth three instances to prove, that the *Pope* doth sometimes exercise his power with danger of pernicious, & most grievous error, when neuertheless it is uncertaine, whether he haue such power, or no. His first instance is, that the *Pope* hath often giuen licence to a Priest to minister, and conferre the Sacrament of Confirmation, notwithstanding that diuers great Doctours doe denie that the *Pope* can giue such licence, or commission; whereupon he concludeth, that it is not certaine, whether the *Pope* hath the power, which he exerciseth in giuing such licences, and addeth further, An non, saith he, grauissimus error est &c? Is it not a most grievous error to grant such licences, whereby there is danger to commit most grievous sacriledges, to wit, the inualide administration of Sacraments? So be, shewing evidently, how unuerent an opinion he hath of the licences, dispensations, and other actions of *Popes*, seeing that he thinketh, or insinuateth at least, that they haue most grievously, and perniciously erred therein many times, and yet one of the *Popes*, that did dispence in the case here mentioned (to wit, in the administration of the Sacrament of Confirmation) was the famous *S. Gregorie the great*, who granted that licence to some Priests in *Sardinia*, by reason of the great want of Bishops in that Island.

*Durand.
Bonauent.
Adrian, &c.*

18 But first, although the first instance, which I brought, be partly grounded vpon this practise of *Popes* to giue authoritie to Priests to conferre the Sacrament of Confirmation, yet this is not my first instance, but my first instance is this, That doctrine doth appertaine to faith, which is propounded, or supposed by *Popes* as a sure, and certaine foundation of their Decrees, and sentences, (for so saith *Fa. Lessius*) But this doctrine that the *B. Virgin* was not conceived in originall sinne, that the *Pope* can dispence in the solemne vow of chastite, and giue leaue to a Priest to minister the Sacrament of Confirmation is propounded or supposed by *Popes* as a ground, and foundation of many their Decrees, dispensations, and iudiciall sentences. Therefore, &c.

19 Now.

1 P. 185. nu. 1

Widdr. vbi sa-
p. 185. nu. 52.

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apply his *second* argument to the Decree of the *Lateran Council*, which neuertheless he may also apply to the Decree of the *Council of Lyons*, yet his other arguments, especially his *first*, are so generall, that they may be applyed to many other Decrees, Canons, dispensations, and iudiciall sentences of *Popes*, or *Councils*: and if *Fa. Lessius* had particularly applied them to the *Lateran Council*, I might without more adoe haue easily answered them by denying, as there I did, that the *Council* did suppose as a foundation of that Decree, or Act concerning the absolving of Vassals from their fealtie, this doctrine, that the *Pope* hath power to depose *absolute Princes*, but only inferiour Magistrates, Land-Lords, or Lords by the authoritie and consent of *absolute Princes*.

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Durand.
Bonauent.
Adrian, & alij

18 But first, although the first instance, which I brought, be partly grounded vpon this practise of *Popes* to giue authoritie to Priests to conferre the Sacrament of Confirmation, yet this is not my first instance, but my first instance is this, That doctrine doth appertaine to faith, which is propounded, or supposed by *Popes* as a sure, and certaine foundation of their Decrees, and sentences, (for so saith *Fa. Lessius*) But this doctrine that the *B. Virgin* was not conceived in originall sinne, that the *Pope* can dispence in the solemne vow of chastite, and giue leaue to a Priest to minister the Sacrament of Confirmation is propounded or supposed by *Popes* as a ground, and foundation of many their Decrees, dispensations, and iudiciall sentences. Therefore, &c.

19 Now

19 Now I expected, that Mr. Fitzherbert would haue answered this my instance in forme, which if he had done, I would also by his answer haue satisfied Fa. Lessius his first argument, but he neither answereth, nor propoundeth my first instance, but cunningly flyeth to the Councell of *Lateran*, affirming that there is a great disparitie betwixt the decree of the *Lateran* Councell, and the licences, which some Popes giue to Priests to minister the Sacrament of *Confirmation*, whereas Fa. Lessius did not apply his first argument particularly to the Councell of *Lateran*, but spake generally of the grounds, and foundations of all Decrees, and sentences of Councells, or Popes, affirming that doctrine to appertaine to faith, which Popes, Councells, and Doctors doe propound, or suppose, as a sure foundation of their decrees and sentences, &c. which assertion may be applied not onely to the decree of the *Lateran* Councell, but also to the decree, & sentence of Pope *Innocent* the fourth, in the presence of the Councell of *Lyons*, and it doth also prooue, that the ground, and foundation of euery sentence, whereby any Emperour, or King hath bene depose by the Pope, doth consequently belong to faith, which because it is repugnant to the common doctrine of all Diuines, Mr. Fitzherbert would onely apply to the decree of the *Lateran* Councell, and thereupon he did fraudulently, as you haue seene, both conceale my first instance, and also change, and curttoll the first argument of Fa. Lessius, which doth plainly shew, that he hath a great diffidence in his cause, and that his meaning is not to deale sincerely in the examining of this dangerous and difficult controuersie.

20 Secondly, whereas Mr. Fitzherbert accuseth me of irreuerence to the *Sea Apostolike*, seeing that I thinke, or insinuate at least, as he saith, that Popes haue most grieuously, and perniciously erred many times in their licences, dispensations, and other actions, he sheweth evidently therein rather his want of Christian charitie, then any solid learning, wisdome, or discretion; seeing that I neuer said, or insinuated, that Popes haue most grieuously erred many times in their licences, dispensations, and other actions, but I onely related the opinions of learned, and vertuous Catholikes, and who were also much deuoted to the *Sea Apostolike*, and one of them also a Pope: from whose doctrine it cleerely followeth, that if to erre in the due administration of the Sacraments be a most grieuous, and pernicious errour, both in regard of the irreuerence done to the Sacrament, and also the wrong done to the person who is defrauded of the benefite thereof, then those Popes, who haue giuen authoritie to minister the Sacrament of *Confirmation*, whereby the administration thereof is inualid, and repugnant to the institution of *Christ*, haue most grieuously, and perniciously erred.

21 But if Mr. Fitzherbert will needes haue vs to approoue all the licences, dispensations, decrees, and other actions of Popes, vnder shew must

must haue an irreuerent opinion of the *Sea Apostolike*, what will hee say of *Melchior Canus*, a learned, & religious man, & much deuoted to the Pope, who boldly saith, that he doth not approoue all Church-lawes, nor commend all punishments. *Censures*, *Excommunications*, *Suspensions*, *Irregularities*, *interdicts*; and a little beneath hee affirmeth, that those who rashly, and without election doe defend euery sentence, or iudgement of the Pope concerning euery thing, doe weaken, not strengthen, doe overthrow, not establish the authority of the *Sea Apostolike*? What will hee say of *Silvester*, a man also no lesse addicted to the aduancing of the *Popes* temporall authoritie, who affirming that the Pope hath no authoritie to dispence in the solemne vow of religious chastitie, and some obiecing, that they haue seene the Pope so to haue dispenced *de facto*, answereth boldly, that he also hath seene the Pope doe greater things with the scandal all *Christianity*. And to omit *Aluarus Pelagius* & others, who taxe freely the facts of many *Popes*, what will hee say of *Cardinall Bellarmine*, who affirmeth, that Pope *Nicolas*, and Pope *Celestine* haue in their *Decrees*, or *Decretall Epistles* expressly taught false doctrine concerning the Sacraments of *Baptisme*, and *Matrimony*. But this is a vsuall trick of my *Adversaries*, when they are prell'd with any argument, to flie to rayling and disgracefull speeches, and which with the same facilitie, and vpon the like grounds may be retorted backe vpon themselues.

Canus lib. 5.
de loci cap. 5. q.
7. c. 1.
1 Cap. 5. prope
finem.

Siluest. in Sum.
verbo votum
4. q. 5. in fine.
See Aluarus
pelag. lib. 2. de
Placitu Eccles.
ar. 5. in fine.
See Beil lib. 4.
de Rom. Pont.
cap. 12.

Page 187. nu. 8.

22 But to answer *Widdringtons* argument, saith *M^r. Fitzherbert*, grounded vpon this instance, or example, whereas he laboureth to prone thereby, that the foundation, or ground of the Decree of the Councell of *Lateran* concerning the deposition of Princes may be vncertaine, because the ground of some *Popes* dispensations in the administration of a Sacrament is vncertaine, he argueth most absurdly. For there is such an euident disparity, betwixt the particular facts, or dispensations of *Popes* touching particular persons, Countreys, or Churches, and the generall Decrees of *Popes*, and Generall Councells made for the direction, and gouernment of the whole Church, that a man may wonder how he could forget himselfe so farre, as by an instance of a supposed possibility of error in a particular fact of some Pope, to impugn a generall Decree of a Pope, together with a generall Councell.

23 What a great distrust *M^r. Fitzherbert* hath of his cause, the Reader may easily perceiue by this, that he seldome propoundeth any one argument, or answer of mine, but he vseth therein some notable fraud, or fallhood. And first he would heere make his Reader beleue, that he hath fully answered my first instance, or argument, which was grounded not onely vpon this fact of *Popes* giuing licence to Priests to minister the Sacrament of *Confirmation*, but also vpon the two other examples before propounded, whereas he hath not, as you haue seene, so much as related my first Instance.

24 Secondly,

24. Secondly, besides that not onely my *first Instance*, or argument, but also the other *two Instances*, which I brought to comfort them with Fa. Lessius his *three arguments*, were grounded vpon the licences, which some Popes haue giuen to inferiour Priests to conferre the Sacrament of Confirmation, it is very vntrue, that I by any of my *three instances* laboured to prooue, as this man affirmeth, that the Decree of the *Lateran Councell* concerning the deposition of Princes might be vncertaine; seeing that I alwayes contended, that the Decree of the *Lateran Councell* did not concerne the deposition of Princes, but onely of inferiour Magistrates, and Landlords, and also that it was not made by Ecclesiasticall, or spirituall authoritie, but onely by the consent, and authoritie of temporall Princes. So that Mr. Fuxberbert to shew that I argue most absurdly from the particular facts, and dispensations of Popes to the generall Decrees of Popes, and generall Councells, betwixt which I doe not denie, but that there is an euident disparitie, sheweth himselfe to be very false and fraudulent. For that which I contended by my *first instance* to prooue, was that the *Maior* proposition of Fa. Lessius his *first argument* is not generally true, and consequently that his argument could not be good, *That doctrine*, saith he, *doth appertaine to faith which Popes, Councells and Doctors doe either propound, or suppose as a certaine foundation of their decrees, and sentences*, which proposition being generall may be applyed not onely to the decree of the *Lateran Councell*, but also to all other particular decrees, and sentences of Popes, or Councells, which the three aforesaid examples by me propounded, touching the particular sentences, dispensations, licences, and decrees of Popes, do euidently conuince to be a very false proposition, and consequently his argument grounded thereon to be very insufficient.

25. And therefore to shew the weaknesse of Fa. Lessius his *first argument*, I did oppose to it an other like instance; for if that *doctrine doth appertaine to faith, which Popes, & Doctors do propound, or suppose, as a certaine foundation of their decrees, and sentences*, which is the *Maior* proposition of Fa. Lessius his *first argument*, then this doctrine that the *B. Virgin* was not conceived in originall sinne, that the Pope can dispence in the solemne vow of chastitie, and giue licence to inferiour Priests to minister the Sacrament of confirmation, must also appertaine to faith, seeing that it is propounded and supposed by Popes and Doctors, as a certaine foundation of many Canons, Decrees, and iudiciall sentences of Popes. Now by the answer, which my *Aduersaries* will make to this instance, I will also satisfie Fa. Lessius his *first argument*. For all the force of that argument doth consist in the true sense, and meaning of that *Maior* proposition, for absolutely, and in those generall words, as it is spoken by him, without any limitation, it is, as I said, very vntrue: but it must be limited both to those decrees, constitutions, iudiciall sentences, grants,

grants, and priuiledges, which are certainly knowne to proceed from Ecclesiasticall, & not Ciuill authority, and also to such Decrees, which are propounded as of Faith, or doe ordaine things cleerely, and euidently deduced from some vndoubted doctrine of Faith, as I shewed aboue out of Card. *Bellarmino*, and *Canus*.

16 For although it bee certaine, and a poynt of faith, that the Church of Christ, as it includeth onely *Church-men*, or *Cleergy-men*, hath a full Ecclesiasticall or Spirituall power in generall, and that the foundation of true and proper Ecclesiasticall Lawes, Decrees, or Canons is true Ecclesiasticall power also in generall, yet in particular to what things the fulnesse of Ecclesiasticall power doth extend, *there is such a great controuersie among Doctours, that in this point few things are sure or certaine*, as I shewed before out of *Almaine*, as whether the Church hath power to giue licence to inferiour Priests to conferre the Sacrament of Confirmation, to dispence in the solemne vow of Chastitie, to dissolue the bond of Matrimony which is not consummate, and many such like, and to come neere our matter, to dispose of temporalls, to inflict temporall punishments, and to depose temporall Princes for any cause, crime, or end whatsoever. So that the foundation of such Decrees, Canons, constitutions, licences, dispensations and sentences, cannot be certaine, and a point of faith, so long as it remaineth questionable, and controuersed among Catholikes: For it is manifest, and most worthy to be noted, as *Canus* said, that those decrees of the Church can not be certaine and firme, which are not grounded vpon certaine, and firme principles, and foundations. Wherefore if but one of those things, whereon the iudgement of the Church dependeth, be vncertaine, the decree of the Church cannot be vncertaine, &c. And by this Fa. *Lessius* his first argument is plainly solued. For his *Minor* proposition is absolutely false, and also his *Maior* is not true, if it be vnderstood of Decrees, Canons, and sentences, which are not certainly knowne to proceed from spirituall authority.

Canus lib. 5. de loc. cap. 5. q. 76. cunct. 3.

m Pag. 188. m.

27 But perhaps Widdrington will say, saith Mr. Fitzherbert, that he doth not argue against the Decree it selfe, but against the reason, whereupon it was grounded, saying that it may be vncertaine, and subiect to error, no lesse then the reason which moued some Popes to giue licence to a Priest to administer the Sacrament of Confirmation; But if he say this, he is very absurd: for he argueth in effect no otherwise then thus: Because S. Peter had no sufficient ground for his dissimulation at Antioch (which S. Paul reprehended in him) therefore the Apostles had no sufficient reason, or ground for their Decree in the Councell at Hierusalem, which no man that hath his right wits will say, for that the Apostles had the infallible assistance of the holy Ghost in making their Decree, which S. Peter had not eyther in his particular fact, or in the foundation, whereupon he grounded it.

Gal. 2. Acts 15.

18 But:

28 But *first* it is manifest, as you haue seene before, that I neuer argued eyther against the Decree of the *Lateran Councell*, or against the *reason* of that Decree, but I onely impugned the exposition, which my *Aduersaries* make of that Decree, and the reason whereby they pretend to prooue from that Decree, that the doctrine for the *Popes* power to depose *Princes* is certaine, and of faith; considering that it is vncertaine, whether that Decree was made by true Ecclesiasticall, or ciuill authority, and also for that it is not a true, and proper Decree, containing in it any precept or obligation, and though it were, it is not propounded as of faith, nor grounded vpon any cleare and vndoubted doctrine of faith, which neuerthelesse; according to the doctrine of Cardinall *Bellarmino* and *Canus*, are necessary to make any Decree of a generall Councell to appertaine to faith. And *secondly* heere in this place I did only argue against the *first argument* brought by Fa. *Lessius*, who in his *Maior* proposition speaketh generally of all decrees, and sentences of *Popes* and *Councils*. That doctrine, saith he, doth appertain to faith, which *Popes*, *Councils*, and *Doctours* doe either propound or suppose as a certaine foundation of their decrees and sentences, &c. And against this argument I did oppose, as you haue seene, another like instance grounded vpon three examples of decrees, dispensations, and iudicall sentences of diuers *Popes*, which instance of mine M^r. *Fitzherbert* concealeth, and by the word *foundation* I did not onely vnderstand the reason, which moued those *Popes* to make such decrees, and to grant such dispensations, and licences, as for example, that *S. Gregory*, as my *Aduersary* saith, graunted licence to some *Priests* in *Sardinia*, to administer the Sacrament of *confirmation*, by reason of the great want of *Bishops* in that *Iland*, but by the word [*foundation*] I vnderstood the authority it selfe, which those *Popes* pretended to haue to make such decrees, and to grant such licences and dispensations, and the reasons and foundations, whereon that pretended authority of theirs was grounded, which authority of theirs I shewed to be vncertaine, and consequently not to belong to faith, and therefore the first argument of Fa. *Lessius* to be defectiue.

29 And although there be an euident disparitie betwixt the Decrees of *Popes*, and the Decrees of generall Councils, yet it is apparant, that according to my *Aduersaries* principles, who affirme, that all the infallibility of the Decrees of Generall Councils doth wholly depend vpon the *Pope*, wee may, according to their grounds, proportionally argue of the infallibilitie of the Decrees of *Popes*, and of General Councils, and that if the *Pope* may erre in his private iudgement, particular facts, and decrees concerning manners, which are referred to particular persons, *Bishops*, or Churches, a Generall Councell also may erre in the like; and if to make a Decree of a Generall Councell to belong

to faith, it bee necessary, according to their doctrine, that it bee a true, and proper Decree, and must also be propounded as of faith, or necessarily grounded upon some vndoubted doctrine of faith, the like also they must say of the Decrees of *Popes*. From whence it cleerely followeth, that, according to their owne principles, no forcible argument can bee drawne, either from the iudiciall sentence of *Pope Gregory* the seuenth against *Henry* the fourth Emperour, or of *Pope Innocent* the third, against *Philip*, and *Otho*, or of *Pope Innocent* the fourth, in the Councell of *Lyons*, against *Fredericke* the second, or from any other deposition of whatsoeuer King, or Emperour, or also from the Decree of the *Lateran Councell*, although we should suppose, as wee doe not, that it doth concerne the deposition of temporall *Princes*, and was made by true Ecclesiasticall authority, without any necessitie that Christian *Princes* should approoue, and confirme the same, yet, I say, no forcible argument can bee drawne from thence, to prouoe that the doctrine for the *Popes* power to depose *Princes*, is an vndoubted doctrine of faith; seeing that the former sentences, and depositions doe onely concerne particular persons, and this Act of the *Lateran Councell* is not, according to their owne grounds, a true and proper Decree, and none of them are propounded as of faith, as any man of iudgement, out of those rules, which Card. *Bellarmino* and *Camus* haue brought to know when any Decree is propounded as of faith, may very easily perceiue.

30 Besides that Widdrington inferreth absurdly, saith Mr. Fitzherbert, ⁿ that because the reason, which moued some *Popes* to grant that licence was vncertaine, or seemed erroneous to some learned men, therefore it was vncertaine also in it selfe, or to the *Popes* that gave the licence, as who would say, that because the reason of *Pope Pius* his Decree, concerning the obseruation of the Feast of Easter seemed vncertaine to the Churches of Asia, therefore it was vncertaine in it selfe, or to *Pope Pius*, who made the Decree: whereas the reason, or ground of the said Decree (to wit, the tradition of the *Romane Church*) was not onely certaine to *Pope Pius*, and his Successour *Victor*, ^o (who excommunicated the Churches of Asia for resisting it) but also to the first Councell of *Nice*, which afterwards decreed the same, yea to the whole Church, which followeth the Decrees of the said *Pope*, and *Nicen Councell*, accounting them for heretikes that doe contradict them, as I haue shewed before p.

n Pag. 188.
m. 8. 9.

o Euseb. l. 5.
hist. c. 24. & 25.

31 The like also may bee said of the rebaptization of such as are baptized by heretikes, which was condemned by the Sea Apostolike upon an assured ground, albeit the same seemed vncertaine, and erroneous to Saint *Cyprian*, and to a Synode of Bishops with him, who were of contrarie opinion. So as it is euident, that many things may seeme vncertaine to some learned men, and yet bee most certaine to the Sea Apostolike, and therefore Widdrington argueth very ridiculously, if hee inferre (as hee

p See Chap. 13
m. 4. & 7.

And see also the
answers thereto
into chap. 13.
m. 22. & seq.

bee seemeth to doe) that the reason which mooved some Popes to give licence to Priests to administer the Sacrament of Confirmation is *uncertaine*, or *erroneous*, because it seemeth so to some learned men.

32 But besides that I made no such inference, as this man saig-neth, and the Reader may plainly see by the examples, and instances which I haue entirely set downe, and Mr. Fitzherbert hath fraudulent-ly concealed, it is euident, that hee heere insinuateth, giuing credit therein to Fa. Lessius, a most dangerous, and pernicious doctrine, to wit, that all Catholikes are bound to follow in matters, which are in controuersie among learned men, the Popes priuate spirit, faith, and knowledge, as though the Church of God were to bee guided and go-uerned, in matters which are questionable among learned Catholikes, by the priuate faith, spirit, or knowledge of any man, yea of the Pope himselfe, or that Christ had promised his infallible assistance to the Popes priuate knowledge, or iudgement.

33 And first whereas Mr. Fitzherbert affirmeth, that although the reason which mooved some Popes to grant licence to inferior Priests to administer the Sacrament of Confirmation seemed *uncertaine* to some learned men, yet it was not therefore *uncertaine* in it selfe, or to the Popes that gaue the licence, hee speaketh very improperly: For albeit truth and falshood are taken from the thing it selfe (according to that knowne maxime of Aristotle, *ex eo quod res est vel non est propositio dicitur vera vel falsa*) and so may bee laid to bee in the thing it selfe, yet certaintie, as certaine is oppoed to doubtfull, vncertaine, fallible, probable, erroneous, is not properly in the thing it selfe, but in the vnderstanding, and knowledge of men. For if wee take certaintie, as it is in the thing it selfe, which is rather to bee called necessitie, there is nothing that is past, which is not certaine, or rather necessarily true; So that all the power, and authoritie, which Christ hath giuen to S. Peter, and consequently to the Pope, as hee is Saint Peters Successour, is most certaine in it selfe, that is, most true, and necessarie, yet all the power in particular, which Christ hath giuen to Saint Peter, and the Pope, is not certaine *quoad nos*, that is, to the vnderstanding and knowledge of the faithfull, nor of the Popes themselves.

34 Secondly, whereas Mr. Fitzherbert affirmeth, that albeit the reason, which mooved some Popes to grant that licence to Priests, seemed erroneous to some learned men, yet it was not therefore *uncertaine* to the Popes that gaue it; and againe, It is euident, saith he, that many things may seeme *uncertaine* to some learned men, and yet bee most certaine, (hee doth not say, may seeme to be most certaine) to the Sea Apostolike; insinuating thereby, that those Popes, who gaue such licences, did not only thinke, or perswade themselves, that they did certaine-ly know, but also

also that they did in very deede certainly knowe, (which is a farre different thing) that they had authoritie giuen them from *Christ* to doe the same: I would gladly learne of *Fa. Lefius*, from whom *Mr. Fitzherbert* hath taken this assertion, by what meanes those *Popes* came to such a certaine knowledge of things reuealed by *Christ* our Sauour, whereof other men, and perhaps farre more learned then those *Popes* were in all sorts of learning both diuine, and humane, were so ignorant, vncertaine, and doubtfull. For my owne part I doe not know by what way any man, whatsoever hee bee, can haue a certaine knowledge, which is truly certaine, and not onely imagined, or thought to bee certaine, of things supernaturall, and reuealed by GOD, but by diuine reuelation: and this must bee either a *private* reuelation, whereby *God* reuealeth himselfe to the priuate soule, or spirit of a man, as hee did in the old Law to the *Patriarchs*, and *Prophets*, and in the New to the *Apostles*, and to diuers other holy men; or else it must bee a publike reuelation, knowne, and approoued so to bee by the publike declaration, or acceptance of the *Church*; for the publike definitions of *Popes*, without the approbation of a generall *Council*, or generall acceptance of the *Church*, doe still remaine vncertaine, seeing that it is as yet vncertaine, and disputable among learned *Catholikes*, whether the *Pope* hath authoritie to define certainly, and infallibly that this, or that thing which is in controuersie among famous, and learned *Catholike* Diuines, hath beene reuealed by *God*, or no.

35 If therefore when *Mr. Fitzherbert*, taxing mee most ignorantly of ridiculous absurditie, doeth so confidently affirme it to bee *eident*, that many things may seeme vncertaine to some learned men, and yet bee most certaine to the *Sea Apostolike*, his meaning bee, that the *Sea Apostolike* hath this certaine knowledge by publike reuelation, or by some necessarie consequence, which is evidently deduced from publike reuelation, I cannot possibly see how this can bee true; for that publike reuelations, and those things, which are evidently deduced from publike reuelations, are not proper onely to the *Pope*, but are common also to other learned men; and therefore also other learned men, who are as skilfull, and perchance farre more skilfull in the knowledge of the holy Scriptures, and of publike reuelations, traditions, definitions, declarations, and of the generall consent, and acceptance of the *Church*, then those *Popes* are may haue as certaine a knowledge of things supernaturall, and reuealed by publike reuelation, as those *Popes* either haue, or morally can haue.

36 But if hee meane, that the *Sea Apostolike* hath that certaine knowledge, touching things reuealed, by priuate reuelations,

q De cons. dist. 4
can. A quodam
Iudas.

r Quodam in
cap. Laudatio-
nem de consens.
conjugat.

f See Adrian.
Papa in q. 2. de
Confirm circa
fitem, Castro.
lib. 3. contra
heres. verbo
Beatitudo her.

62. Bell 4. de
Rb. Pont. c. 14

t See Nicol.
Vignerius ad
art. 1 300. c.
Ioan. Tilius
ad am. 1302.

or secret instincts, and inspirations, any learned man may plainly see, that this is spoken without sufficient ground: seeing that *Christ* our Saviour hath not promised an infallibilitie of trueth, to the *private* knowledge of any *Pope*, or of the *Prelates* of the *Church* assembled together in a Generall Councell, but onely to their *Decrees*, and those not all, but to such only, which are propounded as of faith: Neither also is it certaine, that *Christ* hath promised an infallibilitie of truth so much as to the *Popes* publike definitions, and decrees, which are propounded as of faith, if hee define without a Generall Councell, and much lesse to his *private* knowledge, and iudgement; as it is manifest by the decrees of *Pope Nicholas* the first, and of *Pope Celestine* the third, whereof the first declared, ^q that *Baptisme* given in the name of *Christ* without expressing the three persons of the *Trinitie* is valid, and of force, and the second, ^r that *Marriage* is so dissolved by heresie, that the *partie*, whose consort is fallen into heresie, may lawfully marry another, which doctrine is now condemned in the Councell of *Trent*: and also by *Pope Iohn* the 22. who publicly taught, ^t and if hee had not bene prevented by death was resolved to define, that the *sonnes* of the *Blessed* should not see *God* before the *Resurrection*: and by *Pope Bonifaz* the eight, who in a letter to *Philip le Bell* King of *France* affirmed, ^f that he accounted them for heretikes, who did not beleue, that the said King of *France* was not subiect to him in *spiritualls* and *temporalls*: And as for these *private* reuelations, they may also bee common to other vertuous and holy men as well as to *Popes*, and with the same facilitie, and vpon the same grounds wee may attribute *private* reuelations, and certaintie of *private* knowledge as well to the one as to the other.

37 And albeit it were so that many things are certaine to the *private* vnderstanding, and knowledge of some *Popes*, which are vncertaine, and seeme erroneous to other learned men, will my *Adversaries* therefore affirme, that those learned men are bound to follow the *Popes* *private* iudgement, and to beleue him vpon his bare word, if hee say that hee is certaine his iudgement, and knowledge to bee true, vntill hee make manifest to them the certaintie thereof, and vpon what grounds hee is so certainly perswaded his iudgement to bee certainly true. This were doubtlesse a most pernicious doctrine, and the opening of a wide gappe to errors and heresies. For then should the *Doctours* of *Paxis*, who caused *Pope Iohn* to recall his errors, haue beleueed him, when hee commanded his doctrine, or rather error to bee held by all men, and induced the *Uniuersitie* of *Paris* that none should there take any degree in *Divinitie*, vlesse hee first should sweare to defend and alwaye maintaine this error. Then should the *Kingdome* of *France* haue

See *Pope* *Adrian*
in the place
above cited.

haue beleueed Pope *Boniface the eight*, when he affirmed, that hee accounted them for heretikes, who did not believe that the King of France was not subiect to him in spiritualls, and temporalls: and the like may be said of Pope *Nicolas*, and Pope *Celestine*.

38 Wherefore the plaine truth is, that as well *Popes* may sometimes erre and bee deceiued, albeit they are certainly perswaded their doctrine to be true, if other learned men after mature deliberation thinke it to bee false, as other learned men may erre and bee deceiued, albeit they thinke certainly their doctrine to be true, if the *Pope* after mature deliberation thinke it to bee false: and whether of them doe really erre, when there are such controuersies, we cannot certainly know, but by the future euent. For if the doctrine which the *Pope* thinketh, and teacheth to be certaine, be afterwards confirmed by any publike definition of some Orthodoxall generall *Council*, or be approved by the generall consent, or acceptance of the Church, it is an euident signe, that the iudgement of the *Pope*, and not of those learned men was really true; for which cause wee now see, and say, that Pope *Pius*, and *Victor* did not erre in their iudgements concerning the celebration of the Feast of *Easter*, and that the Churches of *Asia* did erre therein; and that *S. Cyprian*, and the other *Bishops* of *Afrika*, did erre in their iudgements, concerning the rebaptization of such as were baptized by heretikes, and that Pope *Stephen* and *Cornelius*, who contradicted *S. Cyprian*, did not erre. And contrariwise for the same cause we say, that Pope *Nicholas*, Pope *Celestine*, and Pope *Iohn*, to omit now Pope *Boniface*, did really erre in their iudgements, and the other learned men, who were of contrary opinion, did not erre, for that the doctrine of these is now approved by a publike declaration, or generall consent, and acceptance of the Church. But so long as the question betwixt the *Pope*, and other learned Catholics, shall still remaine asfoot, and not be decided, no man is bound to thinke the *Popes* iudgement to bee certaine, neyther can hee compell any man to believe the same, albeit the *Pope* bee inwardly perswaded that his iudgement is true, or certaine, yet hee ought not to bee publicly contradicted by any man but with great submission, reuerence, and respect.

39 But if the *Pope*, when there is a controuersie betwixt him, and other learned men, should denounce censures against all those, who shall preach, or teach contrary to his doctrine, then wee must doubtlesse be very carefull not to oppose publicly against him without vrgent necessity, by reason of scandall in seeming to contemne Ecclesiasticall censures, but in such a case wee must haue in minde that golden document of deuout and learned *Gerson*; The second truth is, saith he, that the *Popes* sentence bindeth all men not to dogmatike, or teach publike-

Gerson in tract.
de Examinat.
doctrin §. 2. ve-
ritas.

in Pag. 189. nu.
10. 11.

by the contrary, except those that doe finde a manifest error against faith, and doe penceine, that if they should not oppose themselves, great scandal to faith would arise by their silence: And if then there should be prosecuting of Censures, and punishments against them, let them bee assured, that blessed are they that suffer persecution for iustice. And thus much concerning this poynt, whereby the Reader may see whether I or my Adversarie deserue the note of ridiculous absurdity.

40. But much more ridiculous, saith Mr. Fitzherbert, is Widdringtons inference, that the ground and reason of a generall Decree, made by a Pope and generall Councell is vncertaine, and subiect to error, because some learned men are of opinion that some Popes had no sufficient reason to doe some particular act: or grant licence, or dispensations to some particular persons, which is a farre different case from the other, and therefore, I say, his inference thereupon is so ridiculous, that a Scholler may bee ashamed to make it, for albeit we should grant, that those Popes erred both in granting those licences, and in their grounds, yet it would not follow, that therefore the Pope together with the whole Lateran Councell might erre in the ground of their Decree, except wee may inferre quidlibet ex quolibet. And yet, forsooth, this is one of his probable answers. Therefore if he will argue against the Decree of the Councell of Lateran by instances and examples, let him not produce the particular faults of some Popes concerning some particular Countries, or persons, but some decree of a Pope, or generall Councell made for the direction and government of the whole Church (as this of the Lateran Councell was) and then let him prooue also that the ground of the said decree was vncertaine, and then I will grant that hee saith somewhat to the purpose.

41. But strange and intollerable is the false and fraudulent dealing of this man. For I neyther made, nor intended to make in any one of my three instances any such inference, as he, to taxe me of ridiculous absurdity vntruly saith I haue; neyther did I apply any one of my instances, or examples to the decree of the Lateran Councell, neyther in any one of them is the Councell of Lateran so much as named, and therefore to cloake his fraud more cunningly, he thought best to conceale my instances, lest the Reader might by his owne writings, and looking ouer my instances, forth-with discover his fraud and fallshood. Wherefore that inference, which I intended couertly to make by my first instance, was onely this; that because the ground and foundation vpon which certaine Popes did by their decrees, and sentences ordaine the Feast of the blessed Virginis conception; giue leave to Priests to administer the Sacrament of Confirmation; and dispence in the solemne vow of Chastity, was vncertaine, and consequently could not appertaine.

taine to faith, therefore the *Maïor* proposition of Fa. *Lesius* his first argument was not found, but defectiue, to wit, *That doctrine doth appertaine to faith, which Popes, Councils, and Doctōrs doe propound or suppose as a certaine foundation of their decrees and sentences*, which proposition is generally and may be vnderstood not onely of the decree of the *Lateran Council*, but of all other Decrees and Sentences, eyther generally or particular of *Popes* or *Councils*, as of the *Decree* touching the Feast of the blessed *Virgins* conception, of the iudiciall sentences of Pope *Gregory* the seauenth against *Henry* the fourth in a Council held at *Rome*, and of Pope *Innocentius* the fourth; against *Frederike* the second in the Council of *Lyons*, and of all other Decrees of *Popes* touching particular licences and dispensations, whereof two are mentioned in my first instance, and doe evidently shew the *Maïor* proposition of Fa. *Lesius* his first argument to be very vnfound.

42 But if my *Aduersary* will haue that *Maïor* proposition of Fa. *Lesius* his first argument, which he produced without any restriction, or limitation to be restrained, and limited only to the decrees of *Popes*, and generally *Councils*, which are made for the direction and gouernment of the whole Church, and doe not onely concerne particular facts, licences, dispensations, and iudiciall sentences concerning some particular Countries, or persons, besides that I haue declared aboue in what sence that proposition is true, to wit, that such decrees must be made by true Ecclesiasticall and not ciuill authority, and also that they must be such decrees, and sentences, wherein it is certaine and of faith, that the Church cannot erre, I haue also here produced a decree of Pope *Sixtus* the fourth, concerning the Feast of the blessed *Virgins* conception, which was made for the direction and gouernment of the whole Church, and yet the ground and foundation of that decree was vncertaine, as I prooued aboue, and will more cleerely confirme beneath, and evidently shew, how Mr. *Fitzberbert* to answer this decree is forced to forsake the doctrine of the most learnedst Diuines of his own Society. And also I might adde hereunto the decrees of *Popes* touching the canonization of *Saints*, the ground and foundation whereof doth not appertaine to faith, seeing that as I shewed before out of *Camus*, that it is not hereticall to affirme, that the Church may erre in the canonization of *Saints*, and yet these decrees are made for the direction and gouernment of the whole Church. But as concerning the decree, or rather Act of the *Lateran Council*, touching the deposition of temporall Land-lords, or Magistrates, it is euident, that I made no inference, or any mention at all thereof in any one of my three *Instances*, or examples, as this man most shamefully affirmeth.

43 Yet if he will needes haue me to apply this doctrine touching the vncertainty of the grounds, and foundations of *Popes* decrees, and

sentences to the decrees of generall Councils, and in particular to the often named Act of the *Lateran Council*, I doe confidently affirme, that whensoever it is vncertaine, and disputable among learned Catholikes, whether a generall Council hath authority to make this or that decree by her spirituall power, without the consent and authority of temporall Princes, as to inflict temporall punishments, and to dispose of temporals, wherein temporall Princes onely are supream, and the Council maketh such a decree, concerning the inflicting of temporall punishments, or the disposing of temporals, without declaring that she doth make that decree by her spirituall authority, then, I say, it is lawfull for any man without any note of *heresie, error, or temerity* to expound the decree of that Council, according to the probable opinion of those learned men, and to affirme, that the Council made that decree not by spirituall power, but by the consent and authority of temporall Princes. And this is our case concerning the decree, or rather Act of the *Lateran Council*: Neither is this to impugn the decree of the Council, but onely to expound it according to the probable doctrine of Catholikes. And if Mr. Fitzherbert will say, that this inference is *ridiculous, absurd, improbable, and not to the purpose*, and that hereby we may inferre quidlibet ex quolibet, he sheweth himselfe, as the plaine truth is, to haue small skill in Theologicall learning.

x Pag. 190. nu.
12. ad finem.

44 In the meane time saith he,^x Widdrington, is to vnderstand further concerning this point, that whereas hee demandeth, whether it is not a most grievous error to graunt such licences, whereupon most grievous Sacrilidges may follow, to wit, the inuallid administration of Sacraments? I answer, that the Church both doth, and may minister Sacraments in cases of necessitie vpon a probable opinion, without any danger of formall sacriledge, or sinne; as when a childe is baptized in one of his feet, or hands before he be fully borne into the world, or when the Sacrament of Extreame Vnction is given to one of whom it is not certaine whether he be fully dead. In these cases, I say, and diuers other such, the Church doth administer Sacraments with some danger of inualliditie (and yet without danger of formall Sacrilledge) in respect of the great hope of benefit, which may follow to the soules of those to whom they are administered: and I verily thinke that there was neuer any Catholike so impious hitherto, as to condemne the same as sacrilegious, either in the most famous, and holy Father S. Gregory the Pope, or in any other of his successors: for albeit some learned men haue indeed denied that they had authority to give such licence, yet they were not so inconsiderate, as either to condemne them of most grievous, or sacrilegious error, or to deny, that the other opinion was probable, seeing that it had beene practised so long since by S. Gregory, and approoued not onely by so many most famous, and learned Doctours, but also by the Council of Florence, which treating of the Sacrament of Confirmation, and hauing said,

that

that the Bishop is the Ordinary Minister thereof, addeth afterwards, *Legitur tamen, &c.* yet it is read, that a simple Priest hath administred it by the dispensation of the Sea Apostolike with Chrisme, or holy Oyle made by a Bishop.

45 So saith the Councell, *giving to vnderstand, that although a Bishop is the ordinary Minister of the Sacrament of Confirmation, yet a Priest may be the extraordinary Minister of it by dispensation of the Sea Apostolike.* And this I hope may suffice to free as well S. Gregory, as other Popes his Successours from all error, and much more all danger of sacrilege in this point. Besides that, the grant of such licences being mere matters of fact, and concerning onely particular persons, and Countries could not any way preiudice our cause, albeit they were erroneous, or sacrilegious; seeing that (as I have sufficiently signified before) the question betwixt him, and vs for the present is only about a generall Decree of a Generall Councell, ordained for the speciall good, and benefit of the whole Church, wherein wee doe indeed acknowledge the infallible assistance of the holy Ghost, though not in enerie particular fact of a Pope. Thus much for his first Instance.

46 But still this man discouereth either his grosse ignorance, or his accustomed fraud. For first whereas I spake onely of error, of materiall sacrilege, and of inualid administration of the Sacrament of Confirmation, this man replieth of sinne, of formall sacrilege, and of vnlawfull administration of Sacraments. For although it be certaine, that a man may lawfully, and without sinne, or formall sacrilege, minister Sacraments in cases of necessitie, vpon a probable opinion, yet it is not certaine, that in such cases the Sacrament is ministred with effect, and without error, or materiall sacrilege; for truth, falsehood, and error haue their denomination from the effect, or thing it selfe, and probable ignorance and error doe make the act lawfull, though not valid and with effect.

47 Secondly, there is a great disparity betwixt the examples, which Mr. Fitzherbert heere bringeth concerning the lawfulness of ministering Sacraments vpon a probable opinion, and the example which I brought concerning the licences graunted by some Popes to inferiour Priests, to administer the Sacrament of Confirmation. For the common doctrine and practise among Catholikes is, that it is not lawfull to minister vpon a probable opinion those Sacraments mentioned by my Adversary, but in case of necessitie. and when the necessitie is past, because it was vncertaine, or doubtfull, whether they were valid, and had effect or no, to reiterate them againe, vpon condition, according to that doctrine which is certaine, and without all controuersie, doubt, or danger: But neither doe Popes giue licence to inferiour Priests to minister the Sacrament of Confirmation onely in time of necessitie, nei-

ther is it the common practise among Catholikes to reiterate againe, after the necessitie is past, the Sacrament of *Confirmation* ministred by those Priests, of whom there is a great controuersie among learned Catholikes, whether the *Pope* hath authority to giue them any such licence or no.

* See *Estius* in
4. sent. dist. 7.
§. 22. who an-
swereth this
authoritie of
the Council of
Florence.
Castro vbi
supra.

Adrianus vbi
supra.

Hugo lib. 2. de
Sacram. part. 7.
cap. 3.

47 Neither doth the *Councell of Florence* * either approoue, or disprooue this practise, but onely relateth, that some *Popes* haue giuen such licences, as the words before rehearsed by my *Adversary* doe plainly shew. And although *S. Gregorie* did grant, or, as *Alphonſus de Castro* doth expound him, did for auoiding of scandall, onely permit, which before he had forbidden, as a thing contrary to the ancient custome of the *Romane Church*, that certaine *Priests* in *Sardinia* might conferre the Sacrament of *Confirmation*, when *Bishops* were wanting, or, as *Pope Adrian* doth interpret *S. Gregorie*, he did not giue leaue to *Priests* to conferre the Sacrament of *Confirmation*, but onely to annoint the forehead of the person baptized with *Chrisme*, in that manner as *Pope Siluester* is said to haue ordained, that the *Priest* should annoint with *Chrisme* the person baptized in the crowne of the head, which he ordained, as *Hugo de S. Victore* affirmeth, least the person baptized should depart this life without *Confirmation*, according to al which positions there is no Catholike, as I verily think, so impious, or inconsiderate, that wil condemne *S. Gregory* of any sin, or formall sacriledge; yet other *Popes* haue giuen that licence to inferiour *Priests*, who are no *Bishops* to conferre the Sacrament of *Confirmation*, without any such necessitie, as to diuers *Abbots*, and namely to the *Abbot of Monte Cassino*, where there is no such want, but rather ouer great plenty of *Bishops*, being so many thereabout, and hauing so small reuenues to maintainetheir *Episcopall* dignity: Neither is it the custome, or practise of those Countries to *confirm* againe those persons, who are confirmed by those *Abbots*, although it may very conueniently be done. And therefore albeit there be no danger, or preiudice to soules, to minister the Sacrament of *Baptisme*, of *Extreame unction*, of *Penance*, or of *holy Orders*, in time of necessitie vpon a probable opinion, for that the practise, and custome is in such a case to minister them againe when the necessity is past; yet it is a very dangerous, and pernicious error to minister either the Sacrament of *Confirmation*, or any other Sacrament onely vpon a probable opinion, if it may be ministred without any such probable doubt or danger, or when the necessity is past; not to reiterate vpon condition the Sacrament againe: So that although it be no dangerous, or pernicious error to minister that Sacrament as doubtful, which is indeed among learned Catholikes accounted doubtful, yet it is most a dangerous and pernicious error, to minister that Sacrament as certainly to haue effect, which neuertheless is by famous

mous, and learned Catholikes vpon *probable* grounds accounted *doubtfull*.

48 *Thirdly*, the *Reader* may plainly perceiue the fraudulent dealing of this man, who wholly dissembleth in what manner I applied this example to all the *three* arguments brought by Fa. *Lessius*, and not onely to his *first* argument, as he would make his *Reader* belecue, and therefore hee altogether concealeth the three *instances* which I brought to confront with Fa. *Lessius* his three arguments. For this assertion touching the inualid administration of Sacraments, which by way of an interrogation, as you haue seene, I brought in my *first example*, to wit, that to erre in the inualid administration of Sacraments is a very pernicious error, it did not affirme absolutely, but onely *ad hominem*, with reference to the like assertion, which Fa. *Lessius* brought in his *third argument*, to which *third argument*, and not to his *first*, as my *Adversary* would seeme to make his *Reader* belecue, I afterwards applied this assertion.

49 For whereas Fa. *Lessius* in the *Maior* proposition of his third argument affirmed, as you haue seene, that it is a point of faith, that the Church cannot erre in doctrine, and precepts of manners by teaching generally something to be lawfull which is unlawfull, or also by commanding something of it selfe unlawfull, for that such an error is no lesse pernicious to the faithfull then an error in faith: from which proposition he did inferre, that it is therefore a point of faith that the Pope hath power to depose Princes, for that otherwise the Church should teach a most pernicious error and subjects should be incited to rebellions and perinuries: I in my *third instance*, which my *Adversarie* hath wholly concealed, made, as you haue seene, the like argument, and from the same *Maior* proposition of Fa. *Lessius* his argument, I likewise inferred, that it is also a point of faith, that the Pope hath power to giue leaue to Priests to minister the Sacrament of Confirmation, and to dispence in the solemne vow of chastity, and so likewise it may be inferred, that the B. *Virgin* was not conceived in originall sinne, for that otherwise the Pope, in whom according to my *Adversaries* doctrine, all the infallibilitie of the Church doth consist, should teach most pernicious errors, and the faithfull should be incited to sacriledges, and iniuries.

50 And if Mr. *Fitcherbert* to answere my *third instance* wil affirme, that from the foresaid *Maior* proposition of Fa. *Lessius* his *third argument* it cannot be well inferred, that the foresaid doctrines mentioned in my *third instance* must be of faith, because it is no pernicious or sinfull error, it being grounded vpon a probable opinion of learned Catholikes, which excuseth from all sinne, to teach such doctrines, and to incite to such sacriledges and iniuries, seeing that to erre in this case is no sinne, neither are the sacriledges and iniuries grounded vpon so probable

probable an errorr formall, or sinfull sacriledges, and iniuries; if I say, he will answer thus: besides that he taketh errorr, sacriledges and iniuries otherwife then errorr, rebellions, and periuries are taken by Fa. Lessius, who, as it is euident, taketh them not onely as they are sinnes to the conscience of man, but also as they are so, a *parte rei*, and are commonly called materiall, not formall, or sinfull errorrs, rebellions, and periuries, the same also may bee answered to Fa. Lessius his argument, to wit, that it cannot be well inferred from that *Maior* proposition, that the doctrine for the Popes power to depose Princes must be of faith, because it is no pernicious and sinfull errorr in his opinion to teach those doctrines by him mentioned, and to incite men to such rebellions and periuries, which according to his opinion are not formall, and sinfull rebellions, and periuries.

51 Whereupon it is euident, that in the same manner as my *Aduersaries* will answer my *third instance*, I will answer Fa. Lessius his *third argument*; and that if from Fa. Lessius his argument it may be well inferred, that the doctrine for the Popes power to depose Princes is certaine and of faith, it may also by my instance be well inferred, that the doctrines for the Popes power to giue authoritie to Priests to minister the Sacrament of Confirmation, and to dispence in the solemn vow of chastitie, and also for the preseruacion of the B. Virgin from originall sinne, are certaine and of faith, which how absurd it is to affirme, it is too too apparant. But more of this *third argument* beneath.

52 Lastly, to that which Mr. Fitzherbert saith in the end of this Chapter, that the grant of such licences being meere matters of fact, and concerning onely particular persons, and Countreys, could not any way preiudice his cause, albeit they were erroneous, and sacriledgious, seeing that the question, saith he, betwixt me and them for the present is onely about a generall decree of a generall Councell, ordained for the speciall good and benefite of the whole Church, wherein Widdrington acknowledgeth the infallible assistance of the holy Ghost, though not in euery particular fact of a Pope, I answer first, albeit I will not condemne those Popes of any pernicious errorr that in time of necessitie grant such licences vpon a probable opinion, yet I cannot see, but that to grant such licences either 'as certaine, when they are doubtfull, or to grant them without necessitie onely vpon a probable opinion, is a very dangerous and pernicious errorr, seeing that they concerne the valid, and effectuell administration of a Sacrament, which all men know to be a matter of great moment.

53 And albeit the grant of such licences be meere matters of fact, and concerne onely particular persons, and Countreys, yet from thence it may be cleerely gathered, that those Popes who granted them, did generally teach, that the Sacrament of Confirmation ministred by those Priests is a true, valid, and substantiall Sacrament, which, if it bee
not

not so, is a very great and pernicious error in doctrine of manners; and also that the instances drawne from thence, doe quite ouerthrow all Fa. Lesius his *three* arguments, and namely the *first*, whereof the *Maior* proposition, as you haue seene is generall and without limitation, and may be applied to all decrees and sentences whatsoever of Popes or Councells, whether they are generall Decrees, or concerne only particular persons or Countreys. Neither is it true, as this man very shamefully affirmeth, *that the question betwixt me, and them for the present is onely about a generall decree of a generall Councell ordained for the speciall good, and benefite of the whole Church*: for the question betwixt them and me for the present is onely about the *first* argument of Fa. Lesius, and my *first* instance made against the same, and especially about the truth of his *Maior* proposition, which, as you haue seene, speaketh of the ground, and foundation generally of all *Decrees* and *sentences* both of Popes, and Councells, *That doctrine*, saith he, *doth appertaine to faith, which Popes, Councells, and Doctours doe propound, or suppose as a certaine foundation of their Decrees, and sentences.* So that my *Aduersarie* very vtruely affirmeth, *that the question betwixt me and them for the present is onely about a generall Decree of a generall Councell.* And this may suffice for the confirmation of my *first* instance, and the confutation of all that, which Mr. Fitzherbert would seeme to haue made against the same, whereas he hath not, as you haue seene, so much as set it downe at all. Now you shall see, how fraudulently and ignorantly he hath in the next Chapter objected against my other *two* instances.

CHAP. XV.

wherein Widdringtons second example, and his instances grounded thereon, are confirmed, and M. Fitzherbert in impugning the same is conuicted of manifest fraude, and ignorance, in taxing therein of fondnesse the learnedst Diuines of his owne Societie. Also the third example of Widdrington, and his instances, grounded thereon, are prooued to be sound and sufficient, and M. Fitzherberts fraude in relating of the said instances, and applying them to the Lateran Councell, is plainly discovered.

Widdr. ubi supra
no. 57.

Ibidem.

MY Adversarie in this Chapter sheweth also the like fraude, and ignorance, as he did in the former. Thus therefore he beginneth. *Widdringtons second instance is, that Pope Sixtus the fourth made a Decree concerning the celebration of the B. Virgins Conception, notwithstanding that it is vncertaine, and disputed amongst the Diuines without any blot of heresie, error, or mortall sinne, whether the blessed Virgin contracted originall sinne in her Conception, or was preserved from it by a peculiar providence of God, and therefore saith he, it is manifest, that the Doctrine, which is either proposed, or supposed by the Pope, as the foundation of his Apostolicall Decree, and Constitution (concerning euen the religious worship of God) is not so certaine and vndoubtedly true, but that it may be impugned without danger of grievous sinne. So he: whereupon he inferreth, that the ground of the Canon of the Lateran Councell may also be vncertaine, or impugned without note of heresie, or sinne.*

2 But first it is very vntrue that this was my second instance, which I brought to confront with Fa. Lessius his second argument, although it be true, that it was my second example, whereon both my first and second instance were grounded. For whereas Fa. Lessius to proue that the Popes power to depose Princes doth belong to faith, argueth thus in his second argument; *If a generall Councell should expressly define, that the Church hath power to depose Princes, no Catholike can make doubt, but that it should belong to faith, but seeing that she supposeth it as a certaine foundation of her Decrees and sentences shee is thought no lesse to affirme the same, therefore it ought to bee accounted no lesse certaine: To this argument I opposed an other instance not much vnlike to it, which was this: If the Pope should expressly define, that he hath authoritie to giue licence to inferiour Priests to administer the Sacrament of Confirmation, and to dispence in the solemne vow of Chastitie, or that the B. Virgin was not conceiued in originall sinne, none of those Catholikes*

that

that hold as *Fa. Lessius* doth, that the *Pope* cannot erre in his definitions although hee define without a generall *Councell*, can make any doubt but that the aforesaid things should appertaine to faith, but seeing that diuers *Popes* doe suppose the same, as a certaine foundation of their *Decrees* and sentences, they are thought no lesse to affirme the same, therefore they ought to be accounted no lesse certaine. This was my *second instance*: and therefore *Mr. Fitzherbert* in affirming my *second example* to be my *second instance* discovereth no lesse his fraude, then he doth both his fraude and ignorance in impugning the same.

3 *Secondly*, it is also very vntrue, that I from this example inferred, as this man shamefully affirmeth, that the ground of the Canon of the *Lateran Councell* may also be vncertaine and impugned without note of heretie, or sinne, seeing that it is euident, as you haue seene before, that I neither impugned, but onely expounded the Canon, or rather *Act* of the *Lateran Councell*, neither did I apply any one of those three examples to the Canon of the *Lateran Councell*, or in any one of my three instances made any mention of the *Lateran Councell* at all. But as *Fa. Lessius* referred his *second argument* to the foundations not onely of the *Decrees* of deposition, as he supposeth this decree of the *Lateran Councell* to be, but also of the sentences of generall *Councils*, as in his opinion was that denounced against *Federike* the second, by *Pope Innocent* the fourth, in the presence of the Councell of *Lyons*, so also I referred my *second Instance*, to the foundations of *Popes* *Decrees* and sentences, vpon whom all the infallibility of the Church, according to his doctrine, doth depend. And the same answere, which my *Adversaries* shall giue to my *second instance*, will forthwith satisfie *Fa. Lessius* his *second argument*.

4 For all the difficulty thereof, as also of his former argument, consisteth in this, whether euery doctrine which *Popes*, and *Councils* suppose as a ground and foundation of their *Decrees*, and sentences, is alwaies to be accounted a certaine, and infallible ground, and not subject to error, or it may sometimes bee onely a probable ground, and not alwaies an infallible point of faith: and my *second Instance* doth sufficiently conuince, that it is not alwaies a certaine, and infallible ground, whereby *Fa. Lessius* his argument is quite ouerthrowne. Besides that, the ground and foundation onely of those *Decrees* of *Popes*, or generall *Councils* can be certaine and infallible, which are made by spirituall, and not temporall authoritie, as I haue said before, so that this argument of *Fa. Lessius* can little concerne the decree or *Act* of the *Lateran Councell*, touching the deposition not of temporall *Princes* but onely of inferiour Magistrates, and Lords, seeing that it was made by the consent and authority of temporall *Princes*, to whom onely, according

ding to the probable doctrine of very many Doctors, the inflicting of temporall punishments, as of death, exile, priuation of goods, imprisonment, doth belong.

3 Now let vs see what Mr. Fitzherbert can say against this second example, which he would make his Reader belieue to be my second instance. But Widdringtons instance, saith he^a, is as little to the purpose as the former, for albeit he alleadgeth not here a particular fact, but a general decree of a Pope directed to the whole Church, yet he abuseth his Reader in seeking to perswade him, that the foundation of that decree, was the opinion or particular perswasion of Pope Sixtus, that the blessed Virgin was not conceived in originall sinne, whereas no such thing can be gathered by the decree, but onely that his desire was by the concession of Indulgences, to stirre vpthe people to the deuote celebration of the Feast, and thereby to giue thanks, and praise to Almighty God for the benefite, which all Cristian men haue reaiued by her Conception; to which end it imported nothing at all how she was conceived, I meane, whether she were sanctified in the first instant of her conception, as very many doe hold, or shortly after, as others teach, and therefore the decree of Pope Sixtus is obserued as well by those that affirme her to haue bene conceived in originall sinne, as by those that denye it, because nothing is ordained in the decree in fauour, or preiudice of either opinion.

4 This may appeare as well by a latter Decree of his, whereby he ordained that toth the opinions might be held, and taught without note of heresie (because, saith he, the question is not determined, and decided by the Church) as also by the expresse words of this Decree, wherein hee signifieth that considering the ineffable dignity, and worthinesse of the most blessed Virgin, it is conuenient and necessary that all faithfull Christians giue praise and thanks to God for her meruellous conception, to the end that by her merits, and intercession they may be made more capable of Gods grace. Thus saith Pope Sixtus in his Decree, and then addeith, Hac igitur consideratione inducti, &c. Therefore beeing moued with this consideration, we determine and decree, &c. So he. And his determination and Decree was no other, but that all such as did with due deuotion assist at the diuine office and seruice, appointed for the celebration of that Feast, should gaue all these Indulgences, which had bene granted before to such as celebrated the Feast of Corpus Christi.

5 This then being the whole substance and effect as well of the Decree as of the motion thereof expressed therein, it is euident that Pope Sixtus had no other meaning in all this, then to mooue all Christians to the deuout celebration of the feast of the conception of the blessed Virgin, no lesse then of her Natiuity, and other Feasts, without any preiudice to the different opinions that eyther then were, or after might be held concerning the manner of her conception; in which respect the said Feast is celebrated by all Christians no lesse then her other Feasts, which is as much as Pope Sixtus desired

^a Pag. 194.
m. 2. & seq.

Tom. 4. Concil.
post vitam Six-
ti a. 5. cum prae-
exclusa.

Ibid. §. Graue-
minu.

Note that word
meruailous.

and

and intended; whereby it appeareth, that his Decree is indifferent to both opinions, being observed by the maintainers of both, and that therefore it is not grounded upon either of both.

6 And now to apply this to our purpose, whereas Widdrington pretendeth by this Instance to proove, that the doctrine of the Popes power to depose Princes is as uncertaine, as the doctrine that the B. Virgin was conceived without originall sinne, which is impugned by very learned men, it is to be considered, that there is such disparitie in the cases, and such weaknesse in his Instance, that hee prooveth nothing at all against vs. For the Decree of Pope Sixtus had so little dependance on the doctrine of her immaculate Conception, that he might haue made it (yea it would haue been very lawfull, iust, and convenient) though he had held the contrary opinion; whereby it is manifest, that his opinion concerning the immaculate puritie of her Conception was not the ground of his Decree (as Widdrington doth very fondly suppose it to bee) whereas in our question touching the Canon of the Lateran Council the case is farre different, seeing that the said Canon hath such dependance on the doctrine of the Popes power to depose Princes (which is necessarily supposed and included in it) that if the Pope haue no such power, the Canon is viterly void, being altogether vniust, vnlawfull, and erroneus; Whereupon it evidently followeth, that the doctrine of the Popes power to depose Princes, is the foundation of the Canon.

7 So as you see, that to impugne this vndoubted ground of the Canon, hee is faine to suppose, and urge a false ground of Pope Sixtus his decree, and consequently faileth wholly in the prooofe of that which he pretendeth; and therefore to make his Instance good and the cases like, he should haue prooued, that the doctrine of the Popes power to institute Feasts is uncertaine, and imagined by learned Catholikes without danger of sinne, for Pope Sixtus his Decree touching the celebration of the Feast supposeth the truth of that doctrine, as in like sort the Canon of the Lateran Council concerning the deposition of Princes supposeth that the doctrine of the Popes power to depose Princes is certaine, and true; and therefore I conclude, that his second Instance, wherein he supposeth a false ground, is as improbable, and impertinent as the former.

8 Thus you see, that the whole substance of this Discourse, which Mr. Fitzherbert here hath made against my second example, which hee truly affirmeth to be my second Instance; consisteth in this, that he denieth the ground and foundation of Pope Sixtus his Decree to be his opinion, and perswasion, that the blessed Virgin was not conceived in originall sinne, and affirmeth that I doe very fondly suppose the same; wherein I know not whether to taxe him of manifest fraud, or palpable ignorance: for to shift off my instance, and to censure it, according to his vniust manner, as fond, improbable, and impertinent, he is faine to forsake the

Salmeron ad
Rom. 15. tom. 13.
disp. 22.
Suarez tom. 2.
in 3. part. disp.
3. sec. 5.
Vasquez tom.
2. in 3. part.
disp. 117. cap. 5.

the common doctrine of the learnedst Divines of his owne Societie, as of *Salmeron*, *Suarez*, and *Vasquez*, who doe constantly hold, that the immaculate, pure, and holy conception of the blessed *Virgin* was the ground and foundation of Pope *Sixtus* his Decree, and to take very rashly, and arrogantly, their doctrine as *sound*, *improbable*, and *impertinent*, and very fraudulently, or unlearnedly to take hold, for a colour of his fraud, or ignorance, of certaine answeres of their *Aduersaries*, which were seene, propounded, & confuted by them. Which to make most plaine and manifest, I thinke it not amisse to set downe *verbatim*, what *Suarez* (with whom *Vasquez*, and *Salmeron*, doe agree in this point) writeth of this matter.

9 But at the last (saith *Suarez* to proue from the authority of the Church, that the blessed *Virgin* was preferred from originall sin, and sanctified in the first instant of her conception) the Church of Rome two hundred yeeres since generally receauing the celebration of this Feast, giueth speciall indulgences to the worshippers thereof: Whereupon she seemeth in some sort to haue canonized the conception of the blessed *Virgin*. But perchance it will be said, that this conception is not celebrated, for that it is holy, but because it hath beene a great benefit of God, and a beginning of greater. But this by no meanes is to be approued; because (as it is manifest by the understanding of the faithfull) the Church doth not celebrate this Feast onely for giuing thanks in respect of God, but also in honour of the *Virgin*: but the *Virgin* should not bee worthy of honour for her conception, vlesse therein she had beene holy. Moreouer *S. Thomas*, *Bernard*, and *Ildefonsus* doe thinke, that it is sufficiently proued, that the blessed *Virgin* at the time of her Natiuity was holy, for that the Church doth celebrate her Natiuity, therefore the same iudgement would they make of her Conception, if they should see the Feast to be celebrated. Lastly, *Galatinus* lib. 7. cap. 5. saith, that the Feast of her Conception is in some *Martyrologies* expressly set downe for the most great purity, and sanctity thereof; and this will be made more euident by that which shall be said.

10 But some others say, that the Feast of the Conception was not celebrated, but of the Sanctification, at what time soeuer it was done, wtruly (if the Feast of her conception be celebrated) it is not therefore because she was sanctified in the first instant, but because she was sanctified perchance that day. But this also is against the meaning of the Church, which euer intended to celebrate some speciall priuledge and immunity of the *Virgin* upon this festiual day; whereof are manifest signes: First, because *Saint Bernard* in the aforesaid 147. Epistle did understand in this sense the meaning of the Churches, which began to celebrate this Feast: For if they should celebrate onely the sanctification, there were no cause why he should reprehend them. Besides, the Councell of *Basil* doth plainly say, that it is an ancient custome of the Church to celebrate this Feast in honour of the Conception of
the

the immaculate Virgin, or of the immaculate Conception of the Virgin, for the Latin wordes may beare both senses.

11 Thirdly, in a certaine Roman office of this Feast, which is confirmed by the authoritie of Pope Sixtus the fourth this oftentimes is expressly said, and the intention of this Feast is declared. And after the same manner Pope Sixtus the fourth doth speake in the Extrauagant, Cum præexcella, and in the Extrauagant, Graue nimis, de reliquijs & venerat. Sanctorum, calling her Conception pure, and immaculate; and granting Indulgences to those who doe piously beleeue, and celebrate the same. And so also the Councell of Trent understood these Decrees sell. 5. where she confirmeth them. Whereupon the same Pope Sixtus the fourth saith, that those doe not sinne, who thinke that the B. Virgin was conceived without sinne, and for that cause doe celebrate her Feast. Therefore without doubt this is the intention and reason of this festiuitie. Adde, that in the same manner one may say, that when the Church doeth celebrate the Natiuitie of the Virgin, it is not for that shee was holy in her Natiuitie, but because shee was sanctified within that day, but this is plainly false and absurd, as it is manifest by that which hath bene saide, therefore the same is for the present. And the reason is generall, because the Church doth properly worship and celebrate the mysteries, and priuiledges of the holy Conception, and Natiuitie. Thus Fa. Suarez.

12 So as you see how Fa. Suarez not only saith, but also proueth, that the end, reason, ground, and foundation of Pope Sixtus his decree touching the celebration of the Feast of the B. Virgins Conception, was for that the Pope supposed, that shee was sanctified in the first instant of her Conception. And the same reasons Fa. Vasquez also bringeth. Only hee vrgeth another reason taken from the wordes of the Decree of Pope Sixtus, and related aboue by my Adversarie, to wit, that the Pope in that Decree exhorteth the faithfull to giue praise and thanks to God for the wonderfull, or meruailous Conception of the immaculate Virgin, but hee could not call it a wonderfull, or meruailous Conception, vlesse the B. Virgin were contrarie to the accustomed manner conceived in grace and sanctitie, for no other wonderfull, or admirable thing could her Conception haue, seeing that for as much as appertaineth to nature, she was conceived after the manner of other men, and women.

13 Iudge now, good Reader, whether this rash-headed ignorant man may not be ashamed to condemne so rashly the most famous, and learnedst men of his owne Societie, as hee condemneth mee, of fondnesse, improbabilitie, and impertinencie, for affirming so resolutely, that without all doubt the end, reason, ground and foundation of Pope Sixtus his Decree for celebrating the Feast of the B. Virgins Conception was for that the Pope supposed her to bee conceived in grace, and sanctitie, and that all Christian people by celebrating her Feast should giue praise and thanks

to God for her holy and wonderfull Conception, and contrarie to the ordinarie manner that other men are conceived, to the end that they thus celebrating her holy and meruailous Conception may by her merits, and intercession bee made more capable of Gods grace. But perchance Mr. Fitzherbert hath not read these Authours, and then his ignorance and rashnesse is the more blame worthie in taking vpon him to bee a teacher, and Censurer of others in these points of Schoole-Diuinitie, wherein hee sheweth himselfe to bee so ignorant; and if hee haue read them, then his fraude is the more culpable to delude his Reader so shamefully in bringing arguments against their doctrine, to take it of fondnesse, improbabilitie, and impertinencie, and in dissembling in what manner they haue most cleerely confuted the same. And therefore thou needest not much meruaile to heare these wordes so frequent in this mans mouth, that my arguments, and answeres are absurd, improbable, impertinent, foolish, ridiculous, malicious, erroneous, yea and hereticall, and then most commonly when they are most sound and sufficient, and his Replies most weake and fraudulent, considering with what a bold face the silly ignorant man doth vnlearnedly & arrogantly condemne in me & my doctrine, of fondnes, improbabilitie, and impertinencie, the most famous Diuines of his own Societie.

14 And whereas Mr. Fitzherbert still harpeth vpon the same string, to wit, that the vndoubted ground and foundation of the *Decree* of the *Lateran* Councell is, that the *Pope* hath power to depose *Princes*, and that the *Canon* suppoeth this doctrine to be certaine, this is the maine point about which wee contend, for I haue euer denied, and hee hath no way sufficiently prooued, but supposed, that this *decree*, or rather *Act* of the *Lateran* Councell doeth concerne the deposition of temporall *Princes*, but onely of inferiour Magistrates, Land-Lords, or Lords, by the consent and authoritie of temporall *Princes*, from whom that *Act* had force to bind. And although the *Popes* power to institute Feasts bee a remote ground and foundation of the decree of *Pope Sixtus*, yet the immediate ground & foundation of that *Decree* was the puritie and sanctitie of the *B. Virgins Conception*, in honour whereof hee did institute that Feast, as I haue shewed before. And albeit I doe not deny that the *Pope* hath authoritie to institute Feasts in the honour of Saints, and of sacred mysteries, yet I deny that the end, reason, ground and foundation for which such Feasts are instituted, is alwayes certaine and infallible, and that those mysteries are therefore infallibly sacred, as in this Feast of the *B. Virgins Conception* it is apparant by the testimonies of most famous, and learned Diuines. And lastly, although I doe not deny, that the *Pope* hath authoritie to canonize Saints, or to declare them to be holy and blessed men, yet *Melchior Canus* feareth not to say, that it is not hereticall to affirme, that

that the Pope may erre therein, and the reason thereof hee giueth, as I declared before, because the ground, whereon the Popes iudgement and declaration in such canonizations doth rely, to wit, the testimonies of men, is fallible, and exposed to errour. And thus much concerning my second Instance, now to the third.

15 Widdringtons third Instance, saith Mr. Fitzherbert, ^b being of the nature and qualitie of the first, is so sufficiently answered atheadie, that I neede not stand long vpon it: hee saith that the Popes haue oft dispensed with Princes, which had made a solemne vow of chastitie; whereof he alladgeth some examples, and because very learned Doctours doe deny that the Pope hath authoritie to dispenſe in solemne vowes, Widdrington inferreth as before, that the doctrine whereupon those dispensations were grounded, is not so certaine, but that it may be impugned without sinne, and consequently, that the like followeth also, concerning the doctrine of the Popes power to depose Princes, which is the foundation of the Canon of the Lateran Councell. Thus argueth Widdrington in substance.

b Pag. 197. m.
8. ad finem.

16 But in all this he is as idle as in the rest, and shooteth his bolts at random, and cleane wide of the marke, impugning a generall Canon of an Oecumenicall Councell, by some particular facts of Popes concerning particular men, which facts both he, and wee grant may be subiect to errour: where as not onely we, but he himſelfe also acknowledgeth the infallible assistance of the holy Ghost in the definitions, and decrees of generall Councils, as I haue amply declared before. And therefore to make a good Instance in this case, and fit for the matter in hand, hee should produce some Decree of a generall Councell, or at least of some Pope ordaining the practise of such dispensations, and shew vs withall, that notwithstanding the said Decree, some Catholike Doctours doe deny the Popes authoritie to dispenſe in vowes, but this he neither doth, nor can doe; for if euer any such Decree had bene made, the Catholike Doctours whom hee nameth, would not haue doubted of the Popes authoritie in that behalfe, as they haue done, because neither the doctrine it selfe, nor the practise thereof was euer decreed by any Pope, or Generall Councell; whereby it appeareth evidently, that this his third Instance is suteable to the two former, and as improbable, and absurd as the rest of his arguments, and answers.

c Chap. 13. m.
1. 8. 9. 10. & 11

17 But still my Adversary persisteth in his accustomed fraud, not to say fallshood. For neyther is this the third Instance, which I brought to confront with Fa. Lessius his third argument, as you haue seen before, although it be indeed my third example, whereon all my three Instances were partly grounded, neyther did I by this example eyther impugne the Decree of the Lateran Councell, or inferre from thence, as this man vtually affirmeth, that the Decree of the Lateran Councell might be impugned without sinne: For neyther did I impugne, but onely ex-

pound the Decree, or rather *All* of the *Lateran* Councell, neyther did I in any one of my *three* Instances; or also examples make mention at all of the *Lateran* Councell, nor also did I euer acknowledge, that the doctrine of the *Popes* power to depose *Princes*, was the ground and foundation of the Decree of the *Lateran* Councell. But for this cause I produced this example of *Popes* dispensations in the solemne vow of chastitie, to shew, that the ground and foundation, especially of *Popes* sentences of deposition, as was that sentence of *Gregorie* the 7. against *Henrie* the 4. in a Councell held at *Rome*, and of *Innocent* the 4. against *Fredericke* the second in the Councell of *Lyons*, and other such sentences, which concerne particular men, doth not appertaine to faith, by vertue of this proposition, whereon both the first and second argument of *Fa. Lessius* was principally grounded, *That doctrine doth appertaine to faith, which Popes, and Councels suppose as a certaine foundation of their decrees and sentences*; for it is euident, that there is no more reason why the ground and foundation of *Popes* particular sentences of depositions or punishments should appertaine to faith, then of his particular grants of dispensations and priuiledges, whereby it appeareth euidently, that this was a fit example to confute *Fa. Lessius* his first and second argument, which there I tooke in hand in my first and second Instance to confute.

18 Besides, I brought this example in my third Instance, against *Fa. Lessius* his third argument, whereby he laboured to prooue, that it is a point of faith that the *Pope* hath power to depose *Princes*, for that otherwise the Church and *Pope* should erre in doctrine and precepts of manners by reaching generally something to be lawfull, which is unlawfull, or contrariwise, and also by commanding something of it selfe unlawfull, seeing that she teacheth, that a *Prince* being deposed, yea, and excommunicated by the sentence of the *Pope*, his subjects are absolved from his obedience, yea, and are bound not to obey him, untill he be reconciled, if the Censure bee denounced, whereby subjects are incited by the *Pope* to rebellions and periuries. Against this argument, I brought my third Instance, which my Adversary fraudulently conceaileth, and which was grounded not only vpon this third example of *Popes* licences given to *Priests* to Minister the Sacrament of Confirmation, and might likewise bee grounded vpon the second of *Pope Sixtus* his decree for the celebrating of the blessed *Virgins* Conception.

19 For if *Fa. Lessius* his third argument be good, it may likewise be prooued, as you may see by my third Instance; that it is a point of faith, that the *Pope* hath power to dispense in the solemne vow of Chastity, to giue licence to *Priests* to minister the Sacrament of Confirmation, and also that the blessed *Virgins* Conception was pure, holy, and immaculate, seeing that from these dispensations, licences, and decree of

of Pope *Sixtus*, it evidently followeth, that the Pope teacheth generally that the marriage of professed religious persons is a true Sacrament, and the children begotten and borne by them are legitimate, and if the Parents be Kings, their children ought to be preferred in the Kindome before all others, who may pretend otherwise a right thereto, and the Sacrament of *Confirmation*, ministred by an inferiour Priest, with the Popes licence is a true and valid Sacrament, and also that the honour and worship which is giuen to the blessed *Virgines* conception is a true and religious honour; all which would according to Fa. *Lessius* his third argument, bee false and pernicious, (because the faithfull should thereby be incited to commit iniuries, and sacriledges, yea, and against their wills by Censures bee compelled thereunto) if the Pope hath no such power to dispence in the solemne vowe of chastity, nor to giue licence to *Priests* to minister the Sacrament of *Confirmation*, and that the blessed *Virgin* was not in her Conception pure, holy, and immaculate. But my *Aduersary* to obscure the whole difficulty, and to blinde the Readers vnderstanding thought it best, not to set downe fully, but in that lame manner, as you haue seene Fa. *Lessius* his three arguments, and wholly to conceale the three *Instances* I made against them, whereby hee might with a lesse shew of falsity boldly affirme, that the three examples were my three *Instances*, and that they were brought by me of purpose to impugn the decree of the *Lateran Councell*, both which how vntrue they are, and also of what little force are all Fa. *Lessius* his three arguments, against which onely I brought my three *Instances*, you haue seene before.

20 For all the difficulty of Fa. *Lessius* his third argument, consisteth in the vnderstanding of that *Maior* proposition, *It is a point of faith, that the Church cannot erre in doctrine, and precepts of manners, by teaching generally something to be Lawfull, which is unlawfull, or unlawfull, which is lawfull, or also by commanding something of it selfe unlawfull.* For if by doctrine of maners, & teaching generally, he meane a *definitive* teaching, or a propounding any thing, as of faith, with an obligation to bind all the faithfull to believe that doctrine. I grant that it is a point of faith that the Church, or a generall Councell cannot erre in such doctrine, or teaching, (for whether the Pope can erre or no in such teaching, it is not a point of faith, but as yet a controuersie betwixt the *Roman* and *French* Diuines) but then I vtterly deny that any generall Councell (yea, or any Pope) hath euer defined, or taught generally, that the Pope by vertue of his Ecclesiasticall power hath authority to depose temporall *Princes*, to absolve subiects from their temporall allegiance, or to inflict temporall punishments. But if by doctrine, and teaching he meane *opinative* and probable doctrine and teaching, besides that it cannot be conuincd that the *Lateran Councell*, or any other generall Councell

taught generally in this sense, that the *Pope* by vertue of his spirituall power hath authority to depose temporall *Princes*, his *Maïor* proposition is very vntrue, and therefore from thence it doth not follow, that the doctrine of the *Popes* power to depose *Princes*, is certaine, and of faich.

21 Likewise, if by *commanding something of it selfe euill*, Fa. Lessius vnderstand a *generall commaundement*, propounded to the whole Church, or all the faithfull, I grant also that a generall Councell cannot erre in imposing such *generall commandements*, although this be not so cleare a point of faich as the former, as I haue shewed before out of the doctrine of learned *Canus*; but then I deny, that any generall Councell hath euer giuen any such *generall commandement* concerning all subiects, not to obey their temporall *Prince*, being deposed by the *Pope*, or to rebell, and plot conspiracies against him: But if by *commanding*, he vnderstand *particular* decrees and *commandements*, propounded to particular persons, Bishops, Churches, or Kingdomes against any particular Emperours, Kings, or temporall *Princes*, then I say, that according to the doctrine of Cardinal *Bellarmino*, and *Canus*, the Church, and much more, the *Pope* may erre; and of this sort are the depositions, iudiciall sentences, and *commandements* of *Pope Gregory* the seauenth, in a Councell held at *Rome* against *Henrie* the fourth Emperour, of *Pope Innocent* the fourth, in the presence of the Councell of *Lyma* against *Frederike* the second Emperour, and all other particular depositions of whatsoeuer Emperours, Kings, or temporall *Princes*: and in these *commandements* the *Popes* were euer resisted, and contradicted both by *Princes* themselves, and also by learned and vertuous Catholike subiects, as it appeareth euidently, not onely by the first depositions of Emperours, and *Princes*, but also by the two last, of our late Queene *Elizabeth*, and the last King of *France*, who were obeyed in ciuill matters by their Catholike subiects, & acknowledged by them to be their true and rightfull Soueraignes, notwithstanding the *Popes* particular declaration, sentence, and *commandement* to the contrary, as I haue shewed at large concerning our late Queene, in the first part, and of the King of *France*, the late troubles and ciuill warres in *France*, which are yet both fresh in most mens memories, and recorded also by Histories, are sufficient testimonies.

22 Thus thou seest, good Reader, that neither by this third example of *Popes* dispensations in voves, whereon not onely my third Instance, but also the two former were grounded, all which Mr. *Fitzberbert* hath fraudulently concealed, did I impugn the Decree of the *Lateran* Councell, as the silly man to make some shew of confuting them as *absurd*, *improbable*, *impertinent*, *fond*, and *ridiculous*, doth most vntruely affirme; neither did I in any one of my examples, or Instances,

stances make any mention at all of the said Decree: seeing that I had before sufficiently answered to this Decree, not by impugning, but onely by expounding it, and by clearly conuincing, that according to the probable doctrine of very many learned Catholikes, who are of opinion, that the Church cannot by her spirituall power inflict temporall punishments, it must, according to Mr. Fitzherberts owne principles, who acknowledgeth, that all lawes, and decrees whatsoever are to be restrained and limited according to the power of the Law-Maker, &c. be vnderstood of the deposing, not of temporall Princes, who are not subiect to the authoritie of the Church, forasmuch as concerneth meere temporall matters, as is the inflicting of temporall punishments, for what cause, crime, or end whatsoever they bee inflicted, but onely of inferiour Magistrates, Land-Lords, or Lords by the consent, and authority of absolute Princes; but that which I intended by my three examples, and instances was to shew the weakenesse, and insufficiency of Fa. Lessius his three arguments, as I haue sufficiently declared before.

23 But if I should presse M. Fitzherbert a little further, and grant him for Disputation sake, which he is not able to prooue, to wit, that the decree, or rather Act of the Lateran Councell is to be vnderstood of the deposition of temporall Princes, yet the silly man would haue much adoeto prooue, as also I haue signified before, that, according to the doctrine of Cardinall Bellarmine, and Canus, which I haue related aboue, it is such a Decree, that from thence it can be sufficiently gathered, that the doctrine for the Popes power to depose Princes, is an vndoubted point of faith: seeing that, according to their grounds, onely those Decrees and precepts touching faith, or manners are infallible, and of faith, which are generall, and vniuersall, and belong to the whole Church; and all the faithfull, and consequently as well Clerkes, as Lay-men. For onely in this case, faith Canus, the Councils, or Fathers are to be vnderstood to pronounce of faith, when the sentence, or Decree belongeth to all Christians, when it bindeth all. Therefore the doctrine of Popes and Councils, faith hee, if it bee propounded to the whole Church, if it bee also propounded with an obligation to be beleued, then doth their sentence, or Decree concerne a point of faith. And concerning Decrees, and precepts of manners Canus teacheth the same. When the Church, faith he in a matter of weight, and which is very profitable for the reforming of Christian manners, doth make lawes to all the people, she cannot command anything, which is contrary to the Gospell, or naturall reason; but in manners not common to the whole Church, but which are referred to private men, or Churches, she may erre through ignorance, not only in her indgement of things done but also in her private precepts and lawes. And Cardinall Bellarmine also affirmeth, that those Decrees, or precepts concern-

Cap. 13. nu. 7
& seq.

Canus l. 5. de
locis c. 5. §. 4.

Bellar. l. 2. de
Rom. Pont. cap.
3. & 5.

ning faith or manners, wherein the *Pope*, in whom he putteth all the infallibilitie of the Church, cannot erre, must bee generall, and be propounded, and belong to all the faithfull.

24 Now this *Act* of the *Lateran Councell*, forasmuch as it concerneth the absolving of Vassals from their fealtie, besides that it is not properly a *Decree*, according to my *Adversaries* grounds, as I signified before, containing in it any precept or obligation, vnlesse they will grant the *Councell* to be aboute the *Pope*, nor also propounded as of faith, according to the rules of Cardinal *Bellarmino* and *Canus* before related, and therefore it cannot, according to their doctrine appertaine to faith, it is not also a *generall Decree*, and which appertaineth to the whole Church, and all the faithfull; for it doth not concerne *Clergie* men, who according to my *Adversaries* false, scandalous, and seditious doctrine are not subiect to temporall *Princes*, nor doe owe to them any temporall allegiance, but onely the temporall Vassals of temporall Lords, and those not all, but of such a Lord onely, who for a yeece remaineth excommunicated for neglecting to purge his territories of heresie. For those words of the *Councell*, *ut ex tunc ipse*, &c. *that from that time the Pope may denounce his Vassals absolved from their fealty*, can onely bind, either the *Pope* to make that denunciation, or that temporall Lord, not to exact of his Vassals temporall fealtie, or the Vassals not to giue to that temporall Lord temporall fealty, and so it cannot binde *Clergie* men, who doe not owe any temporall fidelity, or obedience to temporall Lords, according to my *Adversaries* false doctrine, nor also all Vassals, but onely those of that temporall Lord; wherevpon the *decree* is not *generall*, and belonging to all the faithfull, which neuerthelesse is necessary, that any *decree*, or precept concerning faith or manners doe appertaine to faith.

25 And if perchance my *Adversary* will say, that it bindeth all Christians to beleue, that such a temporall Lord is rightly deposed, and his temporall Vassals absolved from his obedience; Besides that, this cannot bee gathered from the words of this *Decree*, it being not propounded as of faith, which condition neuerthelesse is necessarie to make any *Decree* to appertaine to faith, as I haue shewed before; the same may be said of all *particular Decrees*, precepts, sentences, depositions, dispensations, priuiledges and licences, which are made or granted by the *Pope*, or *Councell*; and then all those *three instances* and *examples*, which I brought against Fa. *Lessius* his arguments are of force; for in like manner it may be said, that albeit those licences and dispensations doe concerne particular facts, and particular persons, yet they bind all Christians to beleue, that such *Priests*, for example, doe truly and really conferre the Sacrament of *Confirmation*, and that such dispensations are valide and haue effect, which how absurd this is it is manifest,

felt, and my *Adversary* here acknowledgeth as much. And this I hope may suffice to shew the weakenesse, of *Fa. Lessius* his three arguments, and the sufficiency of my three Instances, which I opposed against them, and the fraud and ignorance of *Mr. Fitzherbert* in setting downe, and confuting the same.

CHAP. XVI.

Wherein another argument, or rather answer of Widdrington is confirmed, and M. Fitzherbert in labouring to prooue that Widdrington by his owne grant is fallen into heresie or error, is convinced of palpable ignorance; and lastly, the Conclusion of all Widdringtons discourse in his Preface, to his Apologeticall Answer is confirmed, and what M. Fitzherbert excepteth against the same, and also his brieffe Recapitulation of all his Discourse in this his Treatise, are confuted.

After I had set downe my three Instances, which I brought to confront with the three arguments brought by *Fa. Lessius*, desiring him to satisfie my Instances, and promising by his owne answers, to satisfie his objections, I added another answer, or if you will call it, an argument, or instance in these words. Finally, are not the reasons by which *Councils* are induced, or mooved to define any thing, as it were some grounds, which are propounded, or supposed by them as foundations of their definitions and decrees? and neuertheless no Diuine, as I suppose, will affirme, that those reasons are to be receiued by *Catholikes*, with the same certainty as the definitions themselves. In *Councils*, saith *Cardinall Bellarmine*, the greatest part of the *Acts* doe not appertaine to faith. For neither the *Disputations*, which goe before, nor the reasons, which are added, nor those things, which are brought to explicate and illustrate, are of faith, but only by the bare Decrees, and those not all, but those onely which are propounded as of faith.

*Bellar. l. 2. de
Cons. cap. 12.*

*See also Canus
l. 6. de locis. c. 8.*

2 These were my words in that *Apologeticall Preface*, which albeit they are so cleere, and manifest, that no man of any learning can take any iust exception against them, especially seeing that I did not apply them in particular to any Decree, or *Act* of *Pope* or *Council*, yet *Mr. Fitzherbert* out of the profoundnesse, forsooth, of his Diuinitie will prooue

proouethem to be *absurd* and *impertinent*, for so he is pleased to stile the argument of this Chapter, Widdringtons *absurditie*, saith he, *by an other impertinent argument is further discovered*. But let vs see how well he discouereth this. There remaineth now, saith M^r. Fitzherbert, *one argument onely to be examined*, which Widdrington addeth to his three instances for the conclusion of the whole, reasoning thus in effect; that because the reasons, which mooue Councells to define, and determine any thing, are, as it were, the foundations of their Decrees, and yet not so certaine as the Decrees themselves (which he confirmeth by the opinion and doctrine of Cardinall Bellarmine, and Canus) therefore the doctrine of the Popes power to depose Princes (whereupon the Canon of the Lateran Councell was grounded) is not so certaine but that it may be erroneous, and impugned without offence.

¶ *Ubi supra.*

3 But so shamefull, and insupportable is the corrupt dealing of this vnlearned and fraudulent man, that in very truth I am halfe ashamed to discouer and lay open the same. For first it is too too manifest, that I made no such argument in this place, as this man saigneth, either concerning the Decree of the Lateran Councell, or concerning the Popes power to depose Princes, whereof here I made no mention at all. Neither also did I argue in this ridiculous manner, that because the reasons, which mooue Councells to define or determine any thing, are not so certaine as the decrees themselves, therefore they may be impugned without offence: As who should say, that because there is not promised to Popes such an infallibilitie, but that they may erre in their private opinions, iudgements, dispensations, licences, Censures, and Decrees, therefore they doe erre in the same, and such their opinions, dispensations &c. may be impugned, and denied without offence. If M^r. Fitzherbert had said *without note of heresie*, he had said something to the purpose, and spoken agreeably to the grounds, which I maintaine, for what thing soeuer is not of faith, may be impugned, and denied without note of heresie, but to say, without offence, this is too too shamefull and palpable a fallshood.

4 As for example, although Melchior Canus before related doth affirme, that it is not hereticall to hold, that the Church may erre in the canonization of Saints, for the reason, which I there alledged out of him, and consequently, that he is not to be accounted an heretike, or an impugnner of the Catholike faith, that should therefore say, that the Church hath or doth erre in the canonization of such a Saint, yet he affirmeth, that whosoever should say, that therefore the Church doth erre in the canonization of such a Saint, is a *rauo*, and *irreligious man*, and deserueth therefore to be punished by the Church: So likewise although it be certaine, that temporall Princes, and common-wealths may erre in making temporall lawes through ignorance, inconsideration, or some intemperate affection,

and

and that therefore he is not to be reputed an *heretike*, who should rashly and without sufficient ground affirme that they haue and doe erre in making such temporall lawes, yet it is also certaine, that what subiect soeuer should rashly affirme, that his temporall *Prince* hath erred in making such, or such a law, and that such or such lawes are vniust, is worthily accounted an impious, scandalous, and turbulent person, and deserueth therefore to be punished by the State. So as you see how many grosse falshoods this man hath imposed vpon mee in so few lines.

5 Wherefore all the argument I made heere was, as you haue seene, onely this: The *reasons*, ends, and motiues, for which *Councells* are moued, or induced to make definitions and decrees, are not alwayes so certaine and infallible, as the *definitions* or *Decrees* themselves, but such reasons, ends, and motiues are propounded by the *Councils* as some grounds and foundations of their *definitions*, and *decrees*, therefore the grounds and foundations of Ecclesiasticall *definitions* and *decrees* are not so certaine, and infallible as the *definitions* & *decrees* themselves. Now what absurdity, or impertinency, trow you, can be found in this my argument? For I neyther applyed it to the *Lateran Council*, or to any other *Decree* of *Pope*, or *Council*, or to the doctrine of the *Popes* power to depose *Princes*; neyther did I say, that because the *reasons* of Ecclesiasticall definitions, and decrees are sometimes vncertain and fallible, therefore they may bee denied without offence: but all this is forged by my *Adversary*, that so hee might haue some colour to charge me with absurdity and impertinency: for so exorbitant is the bitterness of his zeale, not to vse a more bitter word, that he will not haue me to say scarce any one thing throughout all my writings, without some note either of heresie, error, temerity, fraud, malice, irreuerence, ignorance, falshood, impertinency, fondnes, or ridiculous absurdity, from which imputations I haue neuerthelesse cleared all my assertions, and evidently shewed, that they are farre more agreeable to his arguments, and answers. And if my *Adversary* had not bene blinded with some intemperate passion, he might plainly haue seene, that to no other end, & purpose I brought that argument, but to shew, that the proposition, whereon Fa. *Lessius* grounded his *two first* arguments, whereof I did treat immediately before, to wit, that the grounds, and foundations of Ecclesiasticall decrees and sentences must be certaine, infallible, and of faith, is not so generally true, but that it is needfull for Fa. *Lessius* to make a more cleere explication thereof.

6 And albeit this be sufficient to iustifie this my argument, and to free it from all imputation of absurditie, and impertinencie, yet for the better satisfaction of the Reader I will examine more particularly what he excepteth against the same. Wherefore after he had so fallshly and

fraudu-

a Pag. 200.
nu. 2.

fraudulently, as you haue seene, set downe the sforesaid argument, applying it to the *Popes* power to depose *Princes*, and to the decree of the *Lateran* Councell, and also affirming me to say, that because the *reasons* of Ecclesiasticall Canons be sometimes vncertaine, therefore they may be denied without offence, all which *three* things are forged by himselfe, and not spoken by me, and therefore to colour his fraude the better he thought it best, not to set downe my argument verbatim, as there he found it, he writeth thus. ^a *Whereunto I answere, that by this argument Widdrington impugneth none so much as himselfe, granting that the Decrees of Councells may be certaine, though the reasons, whereupon they are grounded, be vncertaine.*

Bell. lib. 2. de
Conc. cap. 12.

7 But as I doe not grant, that all the *reasons* of Ecclesiasticall Decrees are vncertaine, and not of faith, for some, no doubt, are certaine and of faith, so also I doe not grant, that all *Decrees* of Councells are certaine and of faith, for some no doubt are not of faith, seeing that all *Decrees* of Councells, saith Cardinall Bellarmine, *doe not belong to faith, but those onely which are propounded as of faith*; but of this I haue aboue treated more at large. So that if all *decrees* of Councells are not certaine, infallible, and of faith, no meruaile that the *reasons*, grounds, and foundations of such *Decrees*, as they are *reasons*, grounds, and foundations thereof, may be vncertaine, fallible, and not of faith. I said, *why are reasons, grounds, and foundations thereof*, for if otherwise they be decisions, definitions, or conclusions of some other generall Councell, in this respect they may be certaine, infallible, and of faith. And this doth evidently impugne the *two first* arguments of Fa. *Lesius*, and the often named proposition, whereupon they are grounded, but how by this argument I impugne none so much as my selfe (as this man saith, but doth not prooue) or any way impugnemy selfe I cannot comprehend.

b Pag. 200.
nu. 2.

8 Whereupon it followeth, saith Mr. Fitzherbert, ^b *that the Decree of the Lateran Councell, ordaining the deposition of Princes may be certaine, and iust, albeit the reasons, or doctrine which was the foundation of it were not certaine; and so Princes may be lawfully deposed by the Pope, in such case, as the Lateran Councell hath ordained, though the said Councell might be mooued thereto by an vncertaine, or erroneous reason, so that albeit Widdrington should prooue, that the ground of the Canon in question were vncertaine, or erroneous, yet hee should prooue nothing against the Canon it selfe.*

9 But he Mr. Fitzherbert, that you should shew your selfe to be so grossely ignorant, and then especially when you take your *Adversarie* of absurditie, and impertinencie, and to impugne him euen by his owne argument. Are not you ashamed to argue so childishly *ex parui particularibus*, from pure particular propositions against the knowne principles

ples and rules of Logike? *Some Decrees of Councils may be certaine, though the reasons & doctrine, whereupon they are grounded be uncertaine, therefore the Decree of the Lateran Council ordaining the deposition of Princes may be certaine, though the reasons, doctrine, and foundations thereof, be uncertaine:* As who should say; Some men may be very skilfull in Diuinitie, although they neuer studied it, to wit, by supernaturall infusion, and diuine reuelation, as *Adam, Salomon,* and our *Sauour Christ* according to his humanitie; therefore *M^r. Fitzherbert* may be very skilfull in Diuinitie, although he neuer studied the same.

10 But *secondly*, it is not true, that the Council of *Lateran* ordained the deposition of *Princes*, but onely of inferiour Magistrates, Landlords, or Lords by the consent and authority of temporall *Princes:* and therefore that *Decree*, or rather *Act* being not made by true Ecclesiasticall authoritie doth not appertaine to the present question concerning the certaintie, & infallibility of Ecclesiasticall Decrees, which are made by the spirituall Pastours of the Church, as they haue spirituall and not temporall authoritie. *Thirdly*, my *Adversarie* standing in his own principles will haue much ado to proue, as I said before, that those words of the Council, *ut extunc ipse &c.* That then the Pope may denounce the vassalls absolved from their fealties, do containe a proper decree, or precept concerning faith or manners, but the end, reason, and cause of the former decree, wherein it is ordained, that the Pope shall be certified, if the temporall landlord, or Lord, being excommunicated shall contemne to giue satisfaction within a yeere, *to the end that the Pope may denounce &c.* vnlesse he will haue the Council to makelawes, decrees, and Canons to bind the Pope: And that although it were a proper decree concerning manners, yet that is such a *generall* decree, and belonging to all the faithfull, as according to *Cardinall Bellarmine*; and *Canus* is required to make Ecclesiasticall decrees to be infallible and of faith. So that the more my *Adversarie* striueth to prooue out of the aforesaid words of the *Lateran* Council, that the doctrine of the Popes power to depose *Princes* is a point of faith, the more he bewraieih his owne ignorance, and the weakenesse of his cause, and the uncertaintie of his new broached Catholike faith.

11 And truly it cannot be denied, saith *M^r. Fitzherbert*, *but that* c Pag. 200
great difference is to be made (as *Widdrington* saith well out of *Cardinall* nn. 3.
Bellarmino) betwixt the certaintie of the Decrees of Councils, and of the reasons which are alledged therein; it being euident that all reasons are not of like weight; certaintie, or probability; neuerthelesse, it were absurd to say, that the fundamentall reason or doctrine, which is necessarily included, and supposed in any decree of an Oecumenicall Council, can be false; for so as the decree is false should be false, and the error of both iustly ascribed to the holy Ghost, as *Author* thereof.

12 But

12 But heere my *Adversary* shooteth his bolt farre beyond the marke; for as not all *Decrees* of Oecumenicall Councells are certaine, infallible, and of faith, but onely those which are made by true Ecclesiasticall authority, and are propounded as of faith, and which are general to the whole Church, and doe binde all the faithfull. so neither must the fundamentall *reason* or doctrine, which is necessarily included in every decree of an Oecumenial Councell be of necessity certain, infallible, and of faith, but it may be false, and exposed to error, as the decree it selfe, whereof it is a fundamentall reason.

d Pag. 194.
num. 4. 5.

Acts 15.

13 And this I say of decrees, saith Mr. Fitzherbert^d, that concern not onely matters of belife, but also manners, or matters of fact, such as was the decree of the Apostles at Hierusalem, wherein they doubted not to say, *Visum est Spiritui Sancto & nobis*, It hath seemed good to the holy Ghost, and vs, ascribing to the holy Ghosts assistance their determination, not onely of the decree it selfe, but also of the foundation, whereupon it was grounded, I meane the equalitie, iustice, and conueniencie of it. For it cannot be denied, but that the holy Ghost assisted, and guided them first to determine what was lawfull, and conuenient to be decreed, and executed, and then after to ordaine, and decree it, the one so depending on the other, that if they had failed in the former, they would not haue iustly decreed the latter; that is to say, if it had not bene lawfull and conuenient for Christians at that time to abstaine from strangled meates and blood, the Apostles could not haue lawfully ordained, and decreed it; and therefore the Decree being iust, and ascribed to the assistance of the holy Ghost, the foundation or ground, and all the necessary consequents thereof must needs be granted to be lawfull and iust, and to flow from one fontaine, that is to say, from the holy Ghosts inspiration and assistance.

14 But first, as concerning matters of belife, I grant with *Camus*, that it is certaine, and of faith, that the Church cannot erre, when shee propoundeth a doctrine of faith, with an obligation to binde all the faithfull to beleue the same: and likewise in *Decrees* concerning such manners and matters of fact, as are necessary to saluation, I grant also with the same *Camus*, that it is certaine, that shee cannot erre in making such *Decrees*, for that consequently it would follow, as *Camus* well deduceth, that she may also erre in doctrine of faith: and so the Church cannot command any thing to all the faithfull, which is repugnant to the Gospel, or to the law of nature. But whether it be likewise certaine and of faith, that the Church cannot erre in *Decrees* concerning manners, and matters of fact; which are not necessary to saluation, I will not now dispute, for not giuing occasion to my *Adversary* to flye from the principall question touching the *Decrees* or *Act* of the Lateran Councell, it being sufficient at this time, that the iudicious Reader, by that which I haue before related out of the doctrine of *Camus*, may haue

haue some light how to iudge of this question. For hee granteth that it is not hereticall to affirme, that the Church may erre in the canonizing of Saints, for that her iudgement heerein dependeth vpon an vncertaine ground, to wit, vpon the relation, information, and iudgement of other men, which is vncertaine and fallible, and consequently, according to his grounds, she may erre in all such Decrees, which depend vpon vncertaine and fallible grounds, and foundations. And the leardnest Diuines of his owne Societie, as *Salmeron*, *Suarez*, and *Vasquez*, who according to the Censure of this my rash and ignorant *Aduersarie*, are very absurd and impertinent therein, doe constantly hold, that the *fundamental reason* of the Churches Decree concerning the celebration of the Feast of the B. *Virgins* Conception, is not certaine, and a point of faith, but controuersed by learned Catholikes without any offence, to wit, that shee was sanctified in the first instant of her Conception, and that to honour this her pure, holy, and immaculate Conception the said Feast was instituted.

15 Secondly, it is not certaine, that the Church now hath the same infallibility, in making Decrees concerning such manners, and matters of fact as are not necessary to saluation, which the Apostles had in making such Decrees, for that the iudgement of the Apostles being extraordinarily illuminated, and assisted by the holy Ghost, did not onely depend vpon the relation, information, and iudgement of men, but also vpon the speciall, and extraordinary assistance of the holy Ghost, and therefore from that Decree of the Apostles concerning the not eating of blood and strangled meates, who were peculiarly and extraordinarily assisted, and replenished with the holy Ghost, and therefore might well say, *Vnum est spiritus & nobis*, It hath seemed good to the holy Ghost, and vs, no sufficient argument can bee brought to prooue, that therefore it is a point of faith, that the Church now cannot likewise erre in making such Decrees.

16 Thirdly, Mr. *Fitzherbert* must also distinguish betwixt the lawfulness of an Ecclesiasticall decree concerning manners and matters of fact, and the certainty, or infallibilitie thereof; for that many Decrees may bee lawfull, and consequently ought to bee obeyed, vntill the vnlawfulness, or iniustice thereof be manifest, and yet not infallible, as it is euident in the ciuill lawes of temporall Princes and Commonwealths, whose lawes are lawfull, and ought to be obeyed by their subiects, so long as the vnlawfulness, or iniustice of them is not apparent, and yet they are not therefore infallible. And so a Decree of the Church after due examination, approouing the finall sanctitie of such, or such a man deceased, and vpon that ground commanding all the faithful to celebrate his Feast, is lawfull, and ought to bee obeyed, vntill it be manifest, that she was deceived, and misinformed by false relation,

12 But heere my *Adversary* shooteth his bolt farre beyond the marke; for as not all *Decrees* of Oecumenicall Councells are certaine, infallible, and of faith, but onely those which are made by true Ecclesiasticall authority, and are propounded as of faith, and which are general to the whole Church, and doe binde all the faithfull, so neyther must the fundamentall *reason* or doctrine, which is necessarily included in every decree of an Oecumenial Councell be of necessity certain, infallible, and of faith, but it may be false, and exposed to error, as the decree it selfe, whereof it is a fundamentall reason.

d Pag. 194.
num. 4. 5.

Act. 15.

13 And this I say of decrees, saith Mr. Fitzherbert^d, that concern not onely matters of belife, but also manners, or matters of fact, such as was the decree of the Apostles at Hierusalem, wherein they doubted not to say, *Visum est Spiritui Sancto & nobis*, It hath seemed good to the holy Ghost, and vs, ascribing to the holy Ghosts assistance their determination, not onely of the decree it selfe, but also of the foundation, whereupon it was grounded, I meane the equalitie, iustice, and conueniencie of it. For it cannot be denied, but that the holy Ghost assisted, and guided them first to determine what was lawfull, and conuenient to be decreed, and executed, and then after to ordaine, and decree it, the one so depending on the other, that if they had failed in the former, they would not haue iustly decreed the latter; that is to say, if it had not bene lawfull and conuenient for Christians at that time to abstaine from strangled meates and blond, the Apostles could not haue lawfully ordained, and decreed it; and therefore the Decree being iust, and ascribed to the assistance of the holy Ghost, the foundation or ground, and all the necessary consequents thereof must needs be granted to be lawfull and iust; and to flow from one fountaine, that is to say, from the holy Ghosts inspiration and assistance.

14 But first, as concerning matters of belife, I grant with *Canus*, that it is certaine, and of faith, that the Church cannot erre, when shee propoundeth a doctrine of faith, with an obligation to binde all the faithfull to beleue the same: and likewise in *Decrees* concerning such manners and matters of fact, as are necessary to saluation, I grant also with the same *Canus*, that it is certaine, that shee cannot erre in making such *Decrees*, for that consequently it would follow, as *Canus* well deduceth, that shee may also erre in doctrine of faith: and so the Church cannot command any thing to all the faithfull, which is repugnant to the Gospel, or to the law of nature. But whether it be likewise certaine and of faith, that the Church cannot erre in *Decrees* concerning manners, and matters of fact; which are not necessary to saluation, I will not now dispute, for not giuing occasion to my *Adversaries* to flye from the principall question touching the *Decrees* or *Act* of the Lateran Councell, it being sufficient at this time, that the iudicious Reader, by that which I haue before related out of the doctrine of *Canus*, may haue

haue some light how to iudge of this question. For hee granteth that it is not hereticall to affirme, that the Church may erre in the canonizing of Saints, for that her iudgement heerein dependeth vpon an vncertaine ground, to wit, vpon the relation, information, and iudgement of other men, which is vncertaine and fallible, and consequently, according to his grounds, she may erre in all such Decrees, which depend vpon vncertaine and fallible grounds, and foundations. And the leardnest Diuines of his owne Societie, as *Salmeron*, *Suarez*, and *Vasquez*, who according to the Censure of this my rash and ignorant *Aduersarie*, are very absurd and impertinent therein, doe constantly hold, that the *fundamental reason* of the Churches Decree concerning the celebration of the Feast of the B. *Virgins* Conception, is not certaine, and a point of faith, but controuersed by learned Catholikes without any offence, to wit, that shee was sanctified in the first instant of her Conception, and that to honour this her pure, holy, and immaculate Conception the said Feast was instituted.

¶ 15 Secondly, it is not certaine, that the Church now hath the same infallibility, in making Decrees concerning such manners, and matters of fact as are not necessary to saluation, which the Apostles had in making such Decrees, for that the iudgement of the Apostles being extraordinarily illuminated, and assisted by the holy Ghost, did not onely depend vpon the relation, information, and iudgement of men, but also vpon the speciall, and extraordinary assistance of the holy Ghost, and therefore from that Decree of the Apostles concerning the not eating of blood and strangled meates, who were peculiarly and extraordinarily assisted, and replenished with the holy Ghost, and therefore might well say, *Veni et spiritus & nobis*, It hath seemed good to the holy Ghost, and vs, no sufficient argument can bee brought to prooue, that therefore it is a point of faith, that the Church now cannot likewise erre in making such Decrees.

¶ 16 Thirdly, Mr. *Fitzherbert* must also distinguish betwixt the lawfulness of an Ecclesiasticall decree concerning manners and matters of fact, and the certainty, or infallibilitie thereof; for that many Decrees may bee lawfull, and consequently ought to bee obeyed, vntill the vnlawfulness, or iniustice thereof be manifest, and yet not infallible, as it is euident in the ciuill lawes of temporall Princes and Commonwealths, whose lawes are lawfull, and ought to be obeyed by their subjects, so long as the vnlawfulness, or iniustice of them is not apparent, and yet they are not therefore infallible. And so a Decree of the Church after due examination, approouing the finall sanctitie of such, or such a man deceased, and vpon that ground commanding all the faithfull to celebrate his Feast, is lawfull, and ought to bee obeyed, vntill it be manifest, that she was deceived, and misinformed by false relation,

lation, and yet it is not therefore infallible, and a point of faith, that he is truly a Saint, and died in true sanctitie, and holinesse of life and soule.

Caiet. tom. 1.
opuscul. tract. 15.
de Indulg. c. 8.

17 Wherefore my *Adversarie* for his better instruction may obserue that, which Cardinall *Caietane*, who neuerthelesse putteth all the infallibilitie of ihe Church in the Pope, writeth of Indulgences, and the canonization of Saints: and hee may if it please him learne from thence some speciall documents for his present purpose. *It is alwayes, faith hee, presumed de iure by the law for the Iudge, vnlesse there manifestly appeare an error: and hee that supposeth vpon a lawfull case such an Indulgence to bee giuen, doth affirme the truth, as hee without falsitie affirmeth such a one to bee a Saint, supposing him to bee rightly canonized.* So that granting that such a man who is canonized should not be a Saint, but damned, the doctrine or preaching of the Church would not bee lying or false; for heere those things that doe not appertaine to faith are not understood to bee affirmed but with a graine of salt, that is supposing those things which are commonly presumed. For the Church doth presume the canonization to bee rightly done, and likewise the Indulgence to bee rightly giuen, but as humane error may perchance happen in the canonization of some Saint (as Saint Thomas affirmeth) so humane error may happen in the giuing of an Indulgence. But if any man thinks, that the Pope cannot erre in these particular actions, as are dispensations as well of the temporall as of the spirittuall goods of the Church, let him also thinke that he is not a man.

c P. 201. num. 6.

18 The like is also to be said, faith Mr. Fitzherbert, of the Decree of the Lateran Councell concerning the deposition of Princes, so wit, that the holy Ghost assisted, and guided them, first to resolu what was lawfull, and conuenient to bee decreed (that is to say, that Princes should be deposed by the Pope, if they would not purge their Countreys of heresie) and afterwards to ordaine and decree it; for if it had not bene lawfull and conuenient, that the Pope should depose Princes in that case, the Councell could neuer haue lawfully decreed it, neither could the Decree possibly be lawfull if the Pope had not that power; so as it is euident that the Decree being iust (as proceeding from the assistance of the holy Ghost) the determination not only of the iustice and conueniencie of it, but also of the Popes power to performe it, must needes be granted to proceede in like manner from the holy Ghost, inspiring as well the ground, and foundation of the Decree, as the Decree it selfe.

19 But that the like cannot bee said of the Decree or rather *Act* of the Lateran Councell I haue sufficiently shewed before, both for that there is no mention made in that Councell of the deposition of Princes, but onely of inferiour Magistrates, Land-Lords, or Lords, and also because that *Act* was not made by Ecclesiasticall power, but by

by the consent, and authoritie of absolute Princes, and moreouer for that it is not properly a Decree containing any precept of faith, or manners, but rather the end, reason, and cause of the former Decree.

20 *And therefore howsoever Widdrington may caill, saith Mr. Fitzherbert, ^f about the certaintie of some reasons that haue beene, or ^f Pag. 102. may bee alleadged in some Decrees of Councells, hee cannot with any shew ^{no. 7.} of reason, or probabilisie deny, or call in question those foundations, and necessarie grounds of this Canon, or say, that they are lesse certaine then the Canon it selfe, as hee seemeth most absurdly to affirme in this argument; wherein I wish also to bee noted, how ignorantly hee confoundeth the foundation of a Decree with the reasons, which mooue the Councell to make it, or are added thereto, as though all the reasons, which are brought and alleadged by a Councell, or mooue them to determine any thing, were the foundations of their Decrees, whereas many reasons, yea texts of Scriptures are probably alleadged in Councells for the explication onely, or some confirmation of their Decrees, and not as the foundations of them.*

21 But how grossly this man seeketh to delude his Reader in this whole Discourse of his I haue already made most manifest, and therefore the aspersions of absurditie, ignorance, and impertinencie, where-with he chargeth me, doe agree to none so much as to himselfe. For neither did I make in the aforesaid argument any such inference concerning either the Decree, or the reason of the Decree of the *Lateran Councell*, as hee very shamefully would perswade his Reader, neither did I confound the foundation of a Decree with euery reason which moueth the *Pope* or *Councell* to make it, or are added thereunto, but onely with fundamentall reasons, and whereon that Decree doeth wholly depend, in so much that the *Pope* or *Councell* would not haue made that Decree, but vpon supposall that such a reason or doctrine is true: as is the reason, which moueth *Popes* to canonize any Saint, or to celebrate his Feast, for that they suppose him to haue died in finall sanctitie, which reason is the foundation of their Decree, and yet is not infallible and of faith according to the doctrine of many learned Diuines, as I shewed before: And the like is also of the reason, which moued *Pope Sixtus* the fourth according to the doctrine of the learned *Iesuites* to celebrate the Feast of the Blessed *Virgins* Conception, for that hee supposed her Conception to bee pure, holy, and immaculate, which reason, and ground, is neuertheless vn-certaine, although it was the foundation of *Pope Sixtus* his Decree, which according to *Suarez*, was also confirmed in the Councell of *Trent*.

B p. 202. m. 8.

22. *Whereby it appeareth also, saith Mr. Fitzherbert, & how absurdly Widdrington comprehendeth the doctrine of the Popes power to depose Princes vnder the title of reasons, moouing the Councell of Lateran to decree the deposition of them, seeing that the reasons of Decrees are so extrinsecall thereto, that they may faile, and yet the Decree stand good, and bee of force, whereas the foresaid doctrine of the Popes power is so intrinsecall, and as I may say, essentiall to the Decree of the Lateran Councell, that it is necessarily included, and supposed in it, in so much that the saide Decree cannot possibly stand, or bee good if that doctrine bee not true, as I haue signified before, ^h and therefore hee argueth as impertinently in this, as in the rest.*

h m. 6.

23. *But first it is very vntrue, that I comprehended the doctrine of the Popes power to depose Princes vnder the title of reasons moouing the Councell of Lateran to decree the deposition of them, as this man, not to vse his owne absurd, and impertinent wordes, very shamefully affirmeth: Seeing that I neuer granted, that either the Decree of the Lateran Councell, or the reason thereof doeth concerne the deposition of Princes, but onely of inferior Lords, and Magistrates by the consent, & authoritie of Soueraigne Princes, neither did I in any of my three Instances, or in this Argument, whereof now we treat, make any mention at all of the Lateran Councell, although indeede I haue now by the way, and without any necessitie vrging mee thereunto signified, as you haue seene aboue, that those words of the Lateran Councell, *vt extuncipse, &c.* that then the Pope may denounce his Vassalls absolved from their fealtie, which my Adversarius affirms to bee the Decree of the Lateran Councell ordaining the practise of the Popes power to depose Princes, cannot, according to their owne grounds, bee a true, proper, and formall Decree, containing any precept or obligation, but rather the reason, cause, and end for which the former Decree was made, as I haue more amply declared before.*

24. *Secondly, neither are all the reasons of Decrees so extrinsecall thereto, that they may faile, and yet the Decree stand good; for some are so intrinsecall, and as I may say so essentiall to the Decree, that the Decree cannot possibly stand good, if the doctrine bee not true, or at least wise presumed to bee true, as I shewed before in the reason of the canonizing of Saints, and of celebrating their Feast in honour of their Sanctitie, and also of celebrating the Feast of the B. Virgins Conception in honour of the vnspotted puritie thereof: and of these and such like reasons I chiefly meant, when in the aforesaid argument I demanded, whether the reasons that mooue Popes and Councells to define, or decree something, are not as it were certaine grounds and foundations of their definitions and decrees. So that I may truly conclude*

clude with my *Aduersaries* owne wordes, that hee argueth as ignorantly, impertinently, and absurdely in impugning this argument, as in the former, and in the same manner also hee still goeth on.

25 But now will you heare, saith hee, ⁱ how well Widdrington concludeth this his last argument, and condemneth himselfe of error, or heresie? ^{p. 103. m. 9.}
 “ Thus then hee saith, Quapropter, &c. Wherefore no man can ^{p. bi supra. 63}
 “ doubt, but that great difference is to bee made betwixt the voice,
 “ doctrine, and consent of the Church firmly beleeuing, or defi-
 “ ning any thing as a matter of faith, and the voice, doctrine and
 “ consent of the Church onely probably thinking. For no Catho-
 “ like man doeth deny that hee who contemneth to heare the voice
 “ of the Church firmly beleeuing doeth fall into error, or heresie,
 “ whereas Catholike Doctours (whose authoritie the learnedst of
 “ my *Aduersaries* will easily admit) doe plainly affirme, that hee
 “ who being moued with sufficient reason doeth not embrace the
 “ doctrine of the Church onely probably thinking doeth not ex-
 “ pose himselfe to the danger of heresie, error, or temeritie. For
 “ *Alphonſus Salmeron*; and *Francis Suarez*, men truely very learned,
 “ doe bring the practise, and consent of the whole Church, to
 “ confirme the immaculate Conception of the B. *Virgin*, and yet
 “ that the contrarie opinion may bee defended without any danger
 “ of deadly sinne they both plainly acknowledge and cannot also
 “ deny without great offence, we, saith *Salmeron*, do oppose the consent of
 “ almost the vniuersall Church, & the vniforme doctrine of all vniuersities. ^{Salmer. tom. 13. ad Rom. 5.}
 “ And the second ground, saith *Suarez*, is to bee taken from the authoritie ^{disp. 51. §.}
 “ of the Church. And first the vniuersall consent almost of the whole ^{deinde.}
 “ Church; and especially for these two hundred yeeres almost all Ecclesiasti. ^{Suarez tom. 2.}
 “ call writers, Bishops, almost all Religions, and Vniuersities haue sub- ^{disp. 3. ser. 2.}
 “ scribed. Thus Widdrington.

26 But first M^r. Fitzherbert is fouly deceiued in saying, or conceiuing, that this is a conclusion of this my last argument. For it is a conclusion, and as it were a brieſe collection, and explication of all the answeres I made in that *Apologeticall Preface* to all the arguments, by which my *Aduersaries* laboured to conuince mee, and my doctrine touching the Popes power to depose Princes of temeritie, error, and heresie. For seeing that all the arguments which they brought to prooue my doctrine to bee temerarious, erroneous, yea and hereticall, were grounded chiefly vpon the generall voice, doctrine, and consent of the Church, as they pretend, I thought good for a conclusion of all my answeres to these their false imputations, to admonish the Reader of the aforesaid difference betwixt the voice of the Church firmly beleeuing, and onely probably thinking, whereby hee might

plainly perceiue, that, considering all my former discourse, and answeres, I had clearely freed my selfe from all iust imputation of heresie, error, and temerity.

1 Pag. 303.
Num. 10.

27 But secondly, let vs now see what exception Mr. Fitzherbert taketh against this my so manifest, and certaine conclusion. *Wherein I wish, saith he¹, to be noted two things, the one, how confident Widdrington is, that he hath prooued by his three instances, or examples, and this his last argument, that the Church ordaining, and decreeing in the Lateran Councell, that Princes shall in some cases be deposed by the Pope, did not firmly belieue, but onely probably thinke, that the Pope hath lawfull power, and authority to doe it, whereas you haue seene his instances and arguments to be so weake, friuolous, and impertinent, that they haue serued to no other purpose, but to discover his folly, and the weaknesse of his cause.*

28 But truly I cannot but greatly pittie this poore mans case, albeit, I am much ashamed to see and discover his palpable fraud and ignorance. For neither did I in those three instances, or examples, or in this last argument make any mention at all of the decree of the *Lateran Councell*; neither did I intend to make any inference from them concerning that decree, neither did I euer graunt that the Church in the Councell of *Lateran* did ordaine, or decree, that Princes might in some cases be deposed by the Pope, but I alwaies affirmed, that the aforesaid decree, or rather Act did onely concerne the deposition of inferior Magistrates or Lords, by the consent and authority of absolute Princes, & that therefore that Act, or decree, was not made by mere Ecclesiasticall authority, and consequently could not be a matter of faith, but of fact onely, as are all the decrees of temporall Princes concerning meere matters of fact. For although it be a matter of faith, that temporall Princes haue authority to make temporall Lawes, yet it is nota matter of faith, that in making such lawes they cannot erre, and therefore their lawes are not matters of faith, but of fact onely; but the Church in making lawes to all the faithfull concerning such matters of fact, or manners, which are necessary to saluation cannot erre by commanding anything which is contrary to the Gospell, or the law of Nature, and therefore such lawes are not onely matters of fact, but also of faith.

29 That wherein I was confident is this, that seeing my *Adversaries* haue not hitherto brought, nor will euer in my iudgement be able to bring any one sufficient argument to prooue that the doctrine of the Popes power to depose Princes, was euer firmly believed by the Church as an vndoubted point of faith, but at the most as a probable opinion, no Catholike man can be iustly impeached of heresie, error, or temeritie, as the aforesaid Conclusion of mine doth plainly conuince, for maintaining the contrary doctrine. And whether the instan-

ces, arguments, and answeres, which I haue brought, be weake, friuolous, or impertinent, or Mr. Fitzb. replies altogether vaine, and fraudulent, whereby he clearely discouereth both the weaknesse of his cause, and also his manifest fraude and ignorance, I remit to the iudgement of any indifferent Reader. And thus much concerning his first obseruation.

30 *The other thing which I wish, saith Mr. Fitzherbert¹, to be noted is, how Widdrington giueth sentence against himselfe, as hauing incurred the note of error, or heresie, in contemning to heare the voyce of the Church firmly beleeuing; for if the Church had not firmly beleued, that the Pope hath power to depose Princes, shee neither would nor could haue decreed in the Lateran Councell, that Princes should bee deposed by the Pope; for albeit shee doth, and may in particular cases practise some things vpon a probable opinion (when there is no Definition, or Decree to the contrary) yet it were most absurd, and temerarious, if not hereticall, to say, that shee euer made a generall Decree in a Councell, touching either faith, or manners; but vpon a most certaine, and assured ground: and the reason is, for that otherwise the Decrees of generall Councells should sometimes bee vncertaine, as being grounded onely vpon a probable opinion; yea all their Decrees might alwaies with some shew of reason bee impugned, and reiected by any contentious heretike, who might and would call the Decree in question, and say, that the same were onely probable, as Widdrington doth in this case.*

1 Pag. 304. no. 11. 12.

31 *Therefore seeing it is most certaine, and vniiformly beleued by all Catholike Doctours; that no Decree of generall Councells made for the whole Church, touching either faith, or manners, can be repugnant to the veritie of the holy Scriptures, or may bee impugned, or called in question by any Christian man, it followeth evidently, that all such Decrees are founded vpon assured grounds, and none vpon probable opinions; for if the grounds thereof were or might bee onely probable, they might bee repugnant to the Scriptures, and lawfully impugned or denied by any man. Whereupon it followeth, that seeing the Lateran Councell hath for the speciall good of the Church decreed that Princes shall be deposed by the Pope in some cases, the said Councell, and consequently the Church, doth firmly, and assuredly beleue (and not thinke onely probably) that the Pope hath power to depose Princes; and therefore I conclude, that Widdrington contemning and reiecting this beliefe of the Church, is by his owne confession fallen into error, or heresie; so as I may well say to him, with our Sauour in the Gospell, Ex ore tuo te iudico seruequam.*

See Bellar. de Concil. l. 2. c. 2.
3. 4. Item Can. l. 5. de locis c. 5.
Bannes 2. a. q. 1. ar. 10.
dub. 6. concl. 2.

32 *But this obseruation of Mr. Fitzherbert is so childish, not to say ridiculous, that no Schoole-boy would argue in such a childish manner: For what man that hath his wits about him, would make this conclusion, that his Adversary by his own sentence, grant, & confession, is fallen into error or heresie, and to prooue the same bringeth two*

Luc. 19.

propositions, whereof the one his *Adversary* doth indeed very willingly grant, but the other which is the maine difficultie betwene them he vtterly denyeth. By the same manner of arguing I might also prooue, that *Mr. Fitzherbert* is by his owne sentence, grant, and confession fallen into error, or heresie. For hee graunteth that the *Pope* hath no other authority to depose *Princes*, then that which was granted to *S. Peter*, and his Successours by those wordes, *I will giue thee the keyes, &c. Whatsoeuer thou shalt lose, &c. Feede my sheepe*, or such like, and that whosoever impugneth that which is decreed in the holy Scriptures is fallen into error or heresie, but in those and such like words of the holy Scriptures, was onely granted to *Saint Peter*, and his Successours authority, to expell men from the Church of *Christ*, not from temporall kingdomes, to binde and loose with spirituall, not with temporall bindings or loosings, to absolue from the bond of sinnes, not of debts, to inflict spirituall, not temporall punishments, therefore *Mr. Fitzherbert* contemning and reiecting the holy Scriptures is, by his owne confession, fallen into error, or heresie; so as I may wel lay vnto him with our *Saniovr* in the Gospel, *ex ore te tuo iudico serue nequam*: Now if I should haue argued in this manner against him, he would quickly haue answered, that albeit he grant the *Maiovr* proposition, yet hee denieth the *Minovr*, and therefore cannot bee said to grant the conclusion, which must bee inferred from the granting of both the premisses; and for my goodly argument hee both would, and might deseruedly haue giuen mee his vsuall, absurd, impertinent, fond, foolish, and ridiculous nicknames.

33 In this very like manner hee argueth against mee, to prooue that by my owne sentence, graunt, and confession, I am fallen into error or heresie, for contemning and reiecting the voyce of the Church, in a generall Councell firmly beleeuing. For although I graunt the *Maiovr* proposition, to wit, that whosoever contemneth to heare the voyce of the Church, or of a General Councell firmly beleeuing, or decreeing any doctrine, as certain and of faith, is fallen into error or heresie, yet I euer denied the other proposition, to wit, that the Church, in the Councell of *Lateran* did either Decree the deposition of *Princes*, or firmly beleue the doctrine thereof, as certaine and of faith, and therefore it cannot be rightly inferred, that I graunt the conclusion, which must be inferred from both the premisses; for as the conclusion doth follow from both the premisses, and not from one onely, so he cannot be said to grant the conclusion, who granteth not both the premisses or propositions, but one onely. And therefore those words of our *Saniovr*, *Ex ore tuo te iudico serue nequam*, may fitly be applied to himselfe, who by his owne arguing sheweth himselfe to be a very ignorant, fraudulent, and slanderous man, in charging me to bee fallen into

into errour or heresie, by my owne grant and confession, which every Schoole-boy seeth to be most false.

34 And as concerning that generall reason, which heere hee bringeth, why the Councell of *Lateran* must firmly, and assuredly beleue as certaine and of faith, that the *Pope* hath power to depose *Princes*, to wit, because it is most certaine, and uniformly beleued and taught by all *Catholike Doctours*, that no Decree of generall Councells made for the whole Church, touching either faith or manners, can be repugnant to the verity of the holy Scriptures, or called in question by any *Christian man*, and that therefore all such Decrees are founded upon assured grounds, and none upon probable opinions, &c. Besides that, this reason supposeth, which I euer denied, that in the *Lateran Councell* was decreed the deposition of temporall *Princes*, which is the maine question betwixt vs; it needeth also some further explication. For if *M^r. Fitzherbert* meane, that no Decree of a generall Councell, made for the whole Church touching manners, or things commanded, or forbidden to be done (whether it bee made by meere Ecclesiasticall power, or by that temporall authority, which spirituall Pastours haue receiued from the expresse and formall graunt and priuiledges, or the vertuall and tacite consent, or conuience of temporall *Princes*) may bee impugned, or called in question by any *Christian man*, without some note or aspersi- on of temeritie, and impietie, of this I will not contend with him, for this also may bee said of meere temporall lawes, which are made by the *Princes, Peeres, and Commons* of temporall kingdomes, for the temporall good thereof, which cannot bee impugned, or called in question by any private man, without some note of temeritie, and impietie.

35 But if his meaning be, that all *Catholike Doctours* doe uniformly beleue, and teach, that no Decree of a generall Councell made for the whole Church touching manners, which are not otherwise necessary to saluation, may not bee impugned or called in question, without note of heresie, this is very vntrue, and therein he sheweth either to be little conuerfant in the reading of *Catholike Doctours*, or not to haue well obserued what they teach. For as I shewed aboue, learned *Camus* dare not resoluē whether it be hereticall to affirme, that some custome, or law of the Church is euill, or vniust, and he plainly affirmeth, that it is not hereticall to hold that the Church may erre in the canonizing of *Saints*, and the grounds of such Decrees may be vncertaine, and fallible. Whereupon *Saint Thomas*, *Saint Antoninus*, and *Cardinall Caietane* doe onely say, that it is piously to be beleued, that the Church cannot erre in the canonizing of them. And besides that *Salmeron*, *Suarez*, and *Vasquez*, as I shewed aboue, doe constantly hold, that the ground, and foundation of *Pope Sixtus* his Decree touching the celebration of the

S. Tho. quod 2
9. ar. vii.
S. Antonin. 3.
part. iij. c. 12. c. 8.
Caiet. tom. 1.
Opusc. trac. 15.
de Indulg. c. 8.

Chap. 15. nu. 8
9. & seq.
Suarez. diff. 21
sec. 2.

Feast of the B. *Virgins* Conception, was not certaine, but onely probable; *Smarez* also affirmeth, that it is not a point of faith, that the B. *Virgin* is corporally assumed into heauen, although the Church doth celebrate the Feast of her *Assumption*, and the reason heereof he giueth, for that it is not as yet defined by the Church, neither is there any testimony of Scripture, or sufficient tradition which may make the belife thereof infallible.

See, S. August.
tom. 10. ser. 34.
& 35 de *Sacris*
Caiet. in opusc.
de Conceptu 10. 2.
opusc. trac. 1. c. 1
Sotus in 4. d.
43. q. 2. ar. 1.
Abul. in c. 12.
Adauth. q. 230.

36 Whereupon S. *Augustine*, in the booke of the B. *Virgin* *Assumption*, and serm. 35. de *Sacris*, if he be the Authour of them, doth seeme to leaue it as doubtfull, although he doth not deny, but that it may piously be beleued: And Cardinal *Caietane*, and *Sotus* say onely, that it is a very pious opinion: and *Abulenfis* saith, that it is onely the more probable opinion. And as concerning the Resurrection of the *Virgin*, saith he, It is not necessary to hold the same, because it is not among the articles of our faith, neither is there any thing defined by the Church, that it ought to be held, therefore it is lawfull for every one to thinke as he will. And the reasons which are brought to prooue her Resurrection, are certaine persuasions, and doe not conuince, and yet because it is commonly held, that she is risen, it is more reasonable to hold the same; but if any man doe affirme the contrary, wee doe not repugne. Thus *Abulenfis*. And heereof I thought good to admonish the iudicious Reader, that heereby hee may most cleerely perceiue both the ignorance of M^r. *Fitzherbert*, who so boldly affirmeth, that all Ecclesiasticall Decrees which are made for the whole Church touching manners, are founded upon assured grounds, and none upon probable opinions, and also that we ought not to condemne so easily any doctrine of heresie or error, vnlesse wee see the contrary, by some cleere definition of the Church, or some euident, and vndoubted consequence deduced from thence, to be determined as a point of faith; neither is it sufficient in this case to bring onely probable arguments, or which in our owne iudgement seeme to demonstrate out of the holy Scriptures, ancient Fathers, Decrees of Councils, or Theologicall reasons, which in the opinion of other learned Catholikes doe not conuince it to be a point of faith.

1 Pag. 205. nu.
13. & seq.

37 Now you shall see what M^r. *Fitzherbert* concludeth, touching his Reply to all the answeres I gaue, especially to the Decree of the Lateran Council. And now hauing confuted, saith hee, ¹ all that which I find in the Preface of his Apologetically answer, concerning the Council of Lateran, I will retorne to examine the rest of his text in his Admonition, from the which I haue bene a while diuerted, by his remission of his Reader to the said Preface. Thus then *Widdrington* concludeth in his Admonition concerning as well the Council of Lateran, as my whole Discourse.
« Priusquam igitur aliquis clare demonstrauerit, &c. Therefore before
« some one shall cleerely demonstrate (I doe not say, shall onely shew proba-

“ probably) that the answers, which I have given to the Councell of
 “ *Lateran*, are altogether improbable, no effectuall argument can be
 “ deduced from that Councell, whereby it may certainly, and evident-
 “ ly be prooued, that it is so certaine, that the *Pope* hath power to de-
 “ pose *Princes*, that the contrary may not be defended by *Catholikes*
 “ without the note of heresie, errour, or temeritie. And this for the
 “ present may suffice to confute this Authours more prolix, then
 “ solide discourse; for I will perhaps in another place more exactly
 “ examine, of what small force or moment are euery one of his argu-
 “ ments. Thus saith Widdrington for the vpsbat of his answers to me,
 “ wherein we may obserue these points following.

38 First, whereas he exacteth, as you see, some cleere demonstrati-
 ons, that his answers to the Councell of *Lateran* are altogether improba-
 ble, I hope, he, or at least the indifferent Reader may rest satisfied therein,
 seeing that I haue made it cleere that his answers to the said Councell, are
 not onely improbable, but also friuolous, and sometimes ridiculous, as
 being wholly impertinent to the matter, or else preiudiciall to himselfe. Se-
 condly, whereas he saith, that no effectuall argument can be deduced
 from that Councell against him, vntill it be demonstrated, that his an-
 sweres thereto are improbable, I may now conclude, that seeing I haue per-
 formed as much as he requireth in that behalfe (hauing evidently shewed the
 improbability of his answers) hee cannot deny, but that our arguments de-
 duced from that Councell, are effectuall to prooue our intent, and that to shew
 that neither, he, nor any *Catholike* can auoid the aspersiō and note of heresie,
 if he perscuere obstinately to impugne, or deny the *Popes* power to depose
 Princes, seeing that the practise of that power is most cleerely decreed,
 and the veritie of the doctrine necessarily included and supposed in the
 Decree.

39 Thirdly, whereas that which he hath said to so little purpose, as you
 haue seene, seemeth to him sufficient to overthrow my whole discourse (which
 he termeth more prolix, then solid) I reinit the solidity, as well of my Dis-
 course, as of his answers, to the iudgement of the indifferent Reader, who
 may easily iudge of both by that which hath bene debeat b. twixt vs,
 seeing that of all his answers, arguments, and obiections, no one hath appea-
 red to be of any weight, worth, or probability. And truly I doe not maruaile,
 that my Discourse seemed prolix, yea a very tedious to him, considering the
 little pleasure or gift that he could take therein; for a short way seemeth long,
 to such as passe it with difficulty, and disgust, finding where to stumble, or fall
 at euery step. Finally, whereas he promiseth (though with a perhaps) to ex-
 amine elsewhere euery particular argument in my Supplement, hee may doe
 well for his Reputation, first, to make good that which hee hath said already,
 least such as shall haue read this my Reply, and seene therein how he hath
 trifled hitherto, may care little to read what hee shall write hereafter; but if
 he

he list to take the paines to performe his promise, I hope he shall reape as little credit and contentment thereby, as he is like to doe by these his former labours; for how weake soener and insufficient I may be to encounter such a Hercules, or Goliath (who dare alone oppose himselfe to the whole army of Israel) yet I doubt not, but he shall finde, that magna est veritas, & præualeat, and that the further he wadeth in this matter, the more hee shall ingulfe himselfe in a sea of absurdities; In the meane time I hope thou hast noted, good Reader, that he hath not beene able to disprove any one thing in these two Chapters of my Supplement which he impugneth, and that in examining his answers thereto, I haue sufficiently overthrowne the grounds of his Doctrine, and shewed his vanity, and folly diuers wayes. For first I haue &c.

40 But to Mr. Fitzherberts three first obseruations, there needeth no other answer, then to deny them with the same facility, wherewith he affirmeth them: for neither he, nor I must heerein be each others Iudge, but the indifferent and iudicious Reader, who hauing duly examined both our writings, may easily discerne, whether my answers be of no worth, weight, or probability, and his arguments and Replies effectually conuincing and demonstratiue or no: and to whose arguments and answers, those fowle aspersions of *improbable, absurd, malicious, fond, foolish, impertinent, and ridiculous*, which are so frequent in this mans mouth, doe more properly agree. And for his fourth, and last obseruation, he may see now that I haue performed my promise, and that without a perhaps, I haue confuted euery particular argument, which hee hath brought against my doctrine, either in the two first Chapters of his Supplement, or in this his Reply against the answer I made to his arguments in that brieve *Admonition*; so that hee, or at least the Reader may plainly perceiue, that the reason, why I did not then answer euery particular point of his Discourse, was not for that I found therein any great difficultie, seeing that what there I said *it was more prolix, then solid*, I haue now conuincid to be true, but because the breuitie of that short *Admonition* or *Preface*, would not conveniently permit me to answer more particularly so prolix and verball Discourse.

41 Wherefore I shall now expect what a learned Reply this vnlearned man will make to saue his credit, and to cleare himselfe of those imputations of palpable fraude and ignorance, wherewith in this Treatise I do often charge him, & also of great want of charitie, as in the next Chapter you shall more cleerely see. But perhaps the best course and lesse preiudiciall to his reputation that he can take will be, as D. Schencknius, or rather Cardinall Bellarmine hath done before him, not to answer at all to the crimes whereof he is accused, but to procure from the Cardinals of the Inquisition that my booke be forbidden without telling why or wherefore, for what cause or crime, or what bad doctrine either

ther against faith or manners is contained therein, and by this meanes many men at least will be hindered from seeing his shamefull fraude and ignorance. So seeing that I haue cleerely shewed, that all his vaunts and bragges of hauing conuincied my arguments, and answeres to be *improbable, absurd, impertinent, fond, foolish and ridiculous &c.* are very vaine and idle, notwithstanding that for the patching vp of his *Replie* he hath had the helpes of Cardinall *Bellarmino*, D. *Schulckenius*, *Suarez*, and *Lesim*, if now being left to himselfe alone, and destitute of their helpes, and of their arguments and answeres, which I haue heere confuted, he should wade any further in these deepe Theologicall questions, wherein he hath already bene so often ouer head, and eares, it is euident that he will cast himselfe headlong into the deepe gulfe of perpetuall infamie. And therefore he may perchance thinke it his best way to get my booke forbidden, without declaring why, or wherefore, which course although it may seeme to him to be the wisest according to the wisdom of the world, yet, (to omit what it is to his soule and conscience, and before the sight of Almighty God) how prejudiciall this course is both to his cause and credit, how scandalous it is to *Protestants*, and what little satisfaction it giueth to *Catholikes*, who are desirous, and are also bound to search out the truth in this dangerous and difficult point touching their obedience due to *God* and *Cesar*, and by such exorbitant prohibitions are hindered from the fully examining thereof, there is no indifferent man of any iudgement but may most cleerely perceiue.

52 All the rest which Mr. *Fitzherbert* addeth in this Chapter, it being onely a *Recapitulation*, of that he saith he hath proued against me in this his whole *Reply*, needeth no other answer, then to affirme the quite contrarie, and for confirmation thereof for auoiding of an ouer tedious repetition of what I haue proued against him in this whole Treatise, and how I haue cleared my selfe and my doctrine from all note of heresie, error, and temeritie, and proued it to be truly probable, and himselfe to be a very ignorant, corrupt, and very vaine-glorious and vnconscionable man, to remit the Reader to all the places which are heere cited by him, and haue bene cleerely confuted by me, and more particularly to the Contents, Abridgement, or as it were *Index* of all the things which are handled by me in this Treatise, which he may see partly in the very beginning of the first part before the Preface to the Reader, and partly of this third.

43 To conclude therefore this Chapter, seeing that I haue made it manifest in his *Treatise*, that no one effectuall argument grounded either vpon the holy Scriptures, the law of Nature or Nations, the Canonick or Ciuill law, or any other Theologicall reason hath hitherto bene brought by my *Aduersaries*, which is sufficient to perswade any iudicious

Disput. Theol.
cap. 10. sec. 2.

iudicious man, that the doctrine for the *Popes* power to depose *Princes*, to dispose of temporalls or to inflict temporall punishments, is certain, and of faith, and the contrary hereticall, erroneous, or improbable, it is euident, that the new *Oath of Allegiance*, which is chiefly grounded vpon the denying and impugning of this doctrine, and the practise thereof, may with a safe, and probable conscience, and without any note of dangerous temeritie, or mortall sinne be taken by any Catholike man, notwithstanding that the *Pope* by seuerall *Brewes* hath iudged, and commaunded, or supposed the contrary, for that there is no danger of temeritie, or disobedience not to follow the iudgement and opinion of the *supreme Pastour*, when it is contrary to the doctrine of other learned Catholikes, or not to obey his *declaratiue precept*, when it is not grounded vpon any certaine, and infallible doctrine, but either vpon the false information, and vnderstanding of other learned men, or vpon the priuate and probable opinion, at the most, of his *Holinesse*, as I haue amply proued in my *Theological Disputation*, all which *M^r. Fitzherbert* in this *Reply* of his doth fraudulently conceale, who vrgeth with might, and maine, to terrifie thereby the consciences of vnlearned and scrupulous Catholikes the *Popes* declaratiue commaundement, who by his *Brewes* forbiddeth the Oath to be taken, for that it containeth in it many things, which are clearly repugnant to the faith and saluation, and craftily dissembleth the answeres, which I haue made thereunto, and which are sufficient to quiet the conscience of any iudicious Catholike man, and to take away all iust feare and terrour of conscience out of his mind.

44 And especially seeing that his *Holinesse*, (which is very considerable, and worthy to be obserued) hath bene diuers times with great instance, and importunitie most humbly requested, and in some sort coniueryed by his Pastoral office and duety, to make manifest to distressed *English Catholikes* one onely thing among so many, which he saith in his *Brewes* are in the Oath manifestly repugnant to faith and saluation, which his *Holinesse*, without all doubt, in regard of his fatherly care, and Pastoral office both would and ought to haue made manifest ere this, being vrged thereto by so many and earnest *Supplications*, if he had not clearly seene (when he had more diligently examined the whole matter being so greatly vrged, and importuned to name but one onely thing among so many, which he said were in the Oath plainly repugnant to faith and saluation) both that his power to excommunicate, and to inflict Censures was not denied in the Oath, as *Cardinall Bellarmine*, and other *Romane Diuines* by all probable coniectures, as you shall see in the next Chapter, had informed him, and also that the doctrine for the *Popes* power to depose *Princes*, which is expressly denied in the Oath, and whereon his prohibition to take the Oath, according to the opinion

opinion of all my *Adversaries*, was partly grounded, was not a point of faith, but onely a *controuersie* among learned Catholikes, and as yet not decided by the *Iudge*, and consequently that it might be denied, and impugned by any Catholike man without any note of heresie, error, temeritie, or any other deadly sinne, so long as the question remaineth so vndecided, and in controuersie among learned Catholikes.

m Trithemius in Cronica
Monast. Hir-
saugienfis ad
anm 1106.

CHAP. XVII.

wherein M. Fitzherberts *vncharitable Admonition to the Catholike Reader*, that Widdrington is no other then an heretike disguised and masked vnder the vizard of a Catholike, and that his submission to the Catholike Romane Church proceedeth from no other ground, but from a deepe dissimulation, or rather an artificiall and execrable hypocrisie to delude and deceiue Catholikes, is cleerely confuted, and proued to be void of charitie, learning, and sinceritie. Also Widdringtons answer to the Popes Breues is confirmed, and he freed from all disobedience for not admitting them; and lastly the Decree of the Cardinalls, forbidding Widdringtons bookes, and commaunding him to purge himselfe forthwith, is fully answered by his Purgation, and humble Supplication which he made forthwith to his Holinesse.

Y vnlearned *Adversarie T.F.* hauing not beene able in the former Chapters, as you haue seene, to prooue any one answer or position of mine to be improbable or to deserue the least note of temeritie, although he often vaunterh, that he hath conuincd, euery one of them to be either *fraudulent, malicious, impertinent, absurd, foolish, fond, ridiculous, erroneous*; or hereticall, and then especially his custome is thus to brag, when he himselfe most of all discovereth his intollerable fraude, or palpable ignorance, now this ignorant and vncharitable man doth in this last Chapter turne the sharpenesse of his penne also against my person, shewing himselfe therein to haue as great want of charitie, as of learning and sinceritie, and labourereth to perswade his Reader, that albeit I pretend to be a *Roman Catholike*, and doe submit my selfe, and all my writings to the Censure of the Catholike Roman Church, yet it is euident, that this is onely of purpose to

deceiue

Sec. III. 1. & 19

* S. Thomas
secunda secun-
da q. 60. ar. 4.
2 Pag. 211.
num. 1.

deceiveth the Reader, and that no zealous Catholike can take me for any other then an heretike disguised, and masked vnder the vizard of a Catholike. So abundant is forsooth the charitie and zeale of this Religious Father, that hee feareth not to misconstrue most plaine and manifest words, and deepe and solemne Oathes and protestations in the quite contrarie sense, to the great discredit of his neighbour, whereas by the rules of charity and iustice he is commaunded to interpret euen doubtful speeches in the better and more fauourable sense. * But let vs heare what he saith.

2 Having now answered, saith he, * my Adversarie Widdrington, touching that which any way concerneth me, either in his Admonition before his Theologicall Disputation, or else in those other workes of his, whereto hee remitteth his Readers for their further satisfaction, I haue thought it conuenient (good Catholike Reader) to adresse this last Chapter only to thee, to admonish thee to take heed that thou be not seduced with his pretence to be a Catholike, or with the dedication of his booke to his Holinesse, and his submission thereof to the iudgement of the Catholike Roman Church, whereby hee professeth, that if by ignorance hee haue failed in any thing, which the Roman Church doth not approoue, he doth also reprocue it, condemne it, and wisheth it to be held as not written. let not this I say seduce thee, or moue thee to thinke that he teacheth Catholike doctrine concerning the matter now in question, seeing that it is euident, that all this is but a false luster and glosse cast vpon his counterfette ware, of purpose to deceive thee.

3 It is true that all the bookes I haue written hitherto, either in Latin, or English I did submit to the Censure of the Catholike Romane Church, and in the first booke of all which I published in defence of the temporall right of Princes against Card. Bellarmines reasons, (whereby he pretended to demonstrate that it is not so much an opinion, as an heresie to hold, that the Pope hath no authority by the institution of Christ to depose temporall Princes, and to dispose of temporals) besides the submission thereof, to the said Censure of the Catholike Romane Church, I did also solemnely protest, and call God to witnesse, that neither through the spirit of flattery, nor of contradiction, but sincerely moued with a vehement desire to finde out the truth in this difficult controuersie, which so neerely concerneth our obedience due to God, and Caesar, I did take vpon me the writing of that Apologie.

4 And my third booke, which is the *Disputation of the Oath*, against which this man so greatly inueigheth, I did not onely submit to the Censure of the said Catholike Romane Church, protesting also, that if either in that *Disputation*, or elsewhere I had through ignorance written any thing which she did not approoue, I also did disprocue it, condemne it, and would haue it for not written, but also I did of set purpose

pose dedicate it to his *Holinesse*, most humbly and earnestly requesting him, that considering we had diligently examined all the parts and parcels of the oath, and yet could not finde any one thing among so many, contrary to faith or saluation, his *Holinesse* would be pleased in regard of his Fatherly care, and Pastorall office, after hee had duely considered all those obiections, which we did propound vnto him, for, and against the Oath, to make knowne vnto vs his poore and afflicted Catholikes, one onely thing among so many, which are so manifestly repugnant to faith and saluation, as he had declared by his *Breues*, protesting, that if we could be assured of one onely thing contained in the Oath, which is any way repugnant to faith, or saluation, wee would forthwith obey his declaratiue commaundement, and would hazard our liues, and all our fortunes in defence of the vndoubted Catholike faith.

5 Now this vncharitable man, notwithstanding all these my protestations, and submissions, will contrary to the commandement of *Christ* our Sauour, & the knowne rules of charity, and iustice, iudge & censure my inward thoughts, which none but *God*, and my owne conscience can know, and boldly affirmeth, that it is euident, ^b *that all this is but a false luster, and glosse cast vpon my counterfait ware of purpose to deceive the Reader, and that I am an hereticke disguised, and masked vnder the vizard of a Catholike, and that all my pretences to bee a Catholike, and my submission to the Catholike Romane Church, proceeds from no other ground, but from a deepe dissimulation, or rather an artificiall, and execrable hypocrisie to delude and deceive Catholikes.* But *God* knoweth how wrongfully he belyeth me, to whose iustice, for the infinite wrong he hath done me, I doe appeale, and I make no doubt, but that he will finde him a most iust Iudge, and seuerer reuenger either in this life, or in the next, or both, vnlesse hee repent, and satisfie mee in time, for the great wrong he hath done me.

6 But let vs heare the reasons which this vnconscionable man bringeth to colour this rash iudgement of his. For if Widdrington, faith he ^c, *so much respect and reuerence his Holinesse, and the Romane Church, as he pretendeth, how chanceth it, that he utterly reiecteth three Apostolicall Breues of his Holinesse, vpon no better ground and reason, but because his Holinesse hath bene ill informed of the matter, and consequently deceived, and abused?*

7 But albeit with all my heart and soule I doe greatly respect, and reuerence the *Popes Holinesse*, the *Sea Apostolike*, the *Romane Church*, and the *Catholike Romane Church*, each of them in their due place and degree, but not all of them with equall respect and reuerence, for that no learned Catholike can deny, but that betwixt all these a great difference is to be made, neither are the errors, misdemeanours, or imperfections

Mat. Paris in
Henrico 3^o.
pag. 843.

Hier. epist. 85.
ad Euagrium.

fections of *Popes*, who being men and subiect to humane infirmities as others are, to bee attributed to the *Sea Apostolike*, or to the *Roman Church*, although my ignorant *Aduersary* seemeth not only to make no distinction betwixt the *Pope*, and the *Sea Apostolike* (whereas if he will but reade S. *Roberts* of *Lincolne* his life in *Matthew Paris*, he may see what difference hee maketh betwixt *Pope Innocent* the fourth, whom hee calleth *Antichrist*, and whose *Breues* as containing in them something, which is hateful to *Christ our Saviour*, detestable, abominable, and very pernicious to mankind hee refused to obey, and betwixt the most holy *Sea Apostolike*, which hee saith can command no such detestable thing) but also hee would make his *Reader* beleue, that I take the *Roman Church*, and the *Catholike Roman Church* for all one, whereas it is manifest, that there is betwixt them, almost as great difference, as is betwixt the *Kingdome of England*, and the *Christian world*, or rather betwixt *Rome*, and *Christendome*, and also very many vertuous and learned *Roman Catholikes* doe not graunt that infallible authoritie to the *Popes Holinesse*, or to the *Roman Church*, which they grant to the *Catholike Roman Church*, according to that saying of S. *Hierome*, *si auctori auctoritas, orbis maior est urbe*, if authoritie bee demanded, or sought for, the world is greater then a Citie, which sentence the *Glosse* vpon the *Canon Legimus* dist. 93. citing and expounding saith, *Heere is an argument, that the Decrees of a Councell doe preindicate, or goe before the Popes Decree, if they contradict it.*

8 Neuerthelesse I doe also willingly acknowledge, that I doe not so much respect, and reuerence his *Holinesse*, as to beleue that all the commandements of *Popes* are iust, and all their *Breues* and *Decrees* are grounded vpon infallible truth, or that any *Catholike* is bound to obey his *Holinesse declaratiue* commandement, when it is only grounded vpon a probable opinion, which no man is bound to follow, it being most euident, that where there is no authoritie to command, it is no irreuerence or vndutifull respect not to obey; As likewise although all Subiects are bound to respect and reuerence their temporall *Prince*, and to obey him in temporalls, as with all my heart and soule I doe greatly respect and reuerence my *Soueraigne Lord King IAMES* acknowledging him to bee my onely *Soueraigne Lord* in temporalls, to whom I owe all temporall allegiance, as I acknowledge his *Holinesse* to bee my *supream spirituall Pastour*, to whom I owe spirituall obedience, yet if the temporall *Prince* should command any thing which to his Subiects consciences is manifestly vniust, they may without any irreuerence or vndutifull respect to their *Prince* not obey that vniust commandement, knowing in that case they are bound rather to obey *God* then men, especially if they be readie to suffer without resistance the penaltie imposed by the law.

9 Secondly, that any Catholike might lawfully, and without any irreuerence or vndutifull respect to his *Holineffe* not obey or admit his *Breues* forbidding Catholikes to take the Oath, for that it containeth in it many things flat contrarie to faith and saluation, I yeelded in my *Theologicall Disputation*, two sufficient reasons, whereof the first and principall M^r. *Fitzherbert* heere fraudulently concealeth, and both vnlearnedly, and guilefully, as you shall foorthwith see, hee cauellerth onely against the second and lesse principall reason. For I did not affirme, that no Catholike is bound to admit his *Holineffe Breues* onely for that hee was ill informed of the matter, and consequently deceiued and abused by Cardinall *Bellarmino* and his other Diuines, albeit this alone had beene a very sufficient reason, but chiefly and principally for that his *Breues* were grounded vpon a probable opinion at the most, that the *Pope* by the institution of *Christ* hath authoritie to dispose of all temporalls, and to depose temporall Princes, which doctrine being not certaine, but in controuerlie among learned Catholikes, and as yet not decided by the Iudge, no Catholike is bound to follow, and consequently, according to the doctrine of *Fa. Suarez*, neither bound to obey his declaratiue commandement which is grounded thereon; for that a declaratiue precept, as is this of his *Holineffe* forbidding Catholikes to take the Oath hath no greater force, then the reason whereon it is grounded: but this first reason, which I brought for the chiefe and principall, M^r. *Fitzherbert* cunningly dissembleth.

10 For seeing that his *Holineffe* did onely in generall wordes forbid English Catholikes to take the Oath for that therein are contained many things which are manifestly repugnant to faith and saluation, without specifying in particular any one of those many things, I by probable coniectures, or rather by morall certainties, all circumstances considered, did gather, that his *Holineffe* by those many things manifestly repugnant to faith and saluation, did either vnderstand, as by all likelihood hee did, his power to inflict Censures, to excommunicate his *Maiesie*, to binde and loose in generall, &c. and consequently his spirituall Supremacie, which hee conceiued were denyed in the Oath, for that Cardinall *Bellarmino* did publicly in his booke against his *Maiesties Apologie* for the Oath of Allegiance also in this sense vnderstand the same, and then it is apparant, that his *Holineffe* was misinformed of the matter, and consequently deceiued, and abused, for that it is too too manifest, as his *Maiesie* himselfe hath against Cardinall *Bellarmino* conuincd, that the *Popes* power to inflict spirituall Censures, and to excommunicate his *Maiesie* was not treated of at all in the Oath, but purposely declined; and M^r. *Fitzherbert* also seemeth couertly to confesse as much, for that albeit in his *Supplement* he affirmed, that the Oath is vnlawfull for that therein is denyed the *Popes* power to ex-

f Cap. 10 sec. 2
nu. 50. & seq.

See 1st oue chap. 1

communicate, for which in my *Admonition* I taxed him of falsitie, yet now in his *Reply* he altogether flyeth from that point, acknowledging in effect by his silence, that hee dare not now maintaine his former assertion.

11 But because I could not certainly know and affirme, although it bee very probable, that his *Holinesse* vnderstood, those many things manifestly repugnant to faith and saluation, of his power to excommunicate, and to inflict Censures, &c. as Cardinall *Bellarmino*, *Gretzer*, *Lessius*, and *Suarez* did vnderstand them, I added the second part of the disjunction, to wit, that his *Holinesse* vnderstood those many things, &c. in the former sense, or else by those many things manifestly repugnant to faith and saluation hee vnderstood his power to depose Princes, to dispose of all temporalls, and to inflict temporall punishments, for that his *Holinesse* was of opinion, that the doctrine for his power to depose *Princes*, &c. which is expressly denied in the Oath, is certaine and of faith; And if this bee the meaning of his *Holinesse*, then if hee did adhere to this opinion by his owne reading, studie, and learning (whereof I haue no certaintie for that I know not whether his *Holinesse* being accounted onely a Lawyer and not to make profession of Schoole-Diuinitie, had before the publishing of his *Breues* exactly studied this question, and thoroughly examined all that could bee objected on either side) then, I say that his *Holinesse* was greatly mistaken, for that it is euident, that this doctrine for the *Popes* power to depose *Princes*, &c. is not certaine and of faith, but in controuersie among learned Catholikes and as yet not decided by the Iudge.

12 But if his *Holinesse* did adhere to this opinion, and conceiue that this doctrine for his power to depose *Princes* is certaine and of faith, as it is very probable hee did, by the information of Cardinall *Bellarmino*, and other Diuines of *Rome*, who consulted of the Oath, as *Fa. Parsons* relateth in his letter, then I say, that his *Holinesse* hath also beene ill informed of the matter, and consequently deceiued and abused by them, for that it is a controuersie among the Schoole-men, saith *Trithemius*, and as yet not decided by the Iudge whether the Pope hath power to depose the Emperour or no: And *Almaine* a very famous Schoole-Diuine and Doctour of *Sorbon*, with very many, or most Doctours, as hee saith, doeth resolutely affirme, that the Ecclesiasticall power by the institution of Christ doeth not extend to the inflicting of temporall punishments, as death, exile, imprisonment, priuation of goods, much lesse of Kingdomes, but onely of spirituall Censures; neither was he euer taxed by any man of heresie, error, or temeritie for holding this opinion.

Trithem. in
Chron. Monast.
Hirsang. ad an.
1106.
Almain. de do-
minat. ciuile. c.
Eccles. conclus.
2. in probat.

13 These were the reasons, which I propounded to his *Holinesse*,

ness, why *English Catholics* thought themselves not bound to obey his *declarative precept* contained in his Breues. For these are
 " my expresse words in my *Epistle Dedicatorie* to his Holinesse. & And
 " this is the reason (*most holy Father*) why very few *Lay Catholics* of
 " any name or worth with vs doe refuse to take the Oath being tendered them by the Magistrate. For while they aduisedly cal to remembrance, that this Oath, before it was by your Holinesse declared to
 " be manifestly repugnant to faith, and saluation, might with a probable, and consequently with a safe conscience bee taken by any
 " Catholike by reason of the authoritie of so many learned and virtuous Priests; and withall they doe now not only consider, that your
 " Holinesse prohibition, being a *mere declarative precept*, can haue no
 " greater force to binde. then the reason whereon it is grounded, and
 " wholly dependeth, as beneath^h out of the doctrine of *Fr. Suarez* shal
 " be made manifest, but also they are probably perswaded, that your
 " Holinesse was by *Cardinall Bellarmine*, and *Fa. Parsons* wrongfully
 " informed of the reason, for which you forbade Catholikes to take
 " the Oath, to wit, for that it containeth many things which are plainly repugnant to faith, and saluation; seeing that neither your authoritie to
 " chastise *Princes*, to excommunicate them, to inflict Censures, or any
 " spirituall authoritie, which is certainly knowne to bee graunted by
 " Christ to Saint Peter and his Successours is in this Oath denyed, as
 " *Cardinall Bellarmine*, (whom *Fa. Parsons*, and diuers other Diuines
 " of his Societie do follow) by fallacious inferences labourerth to
 " deduce, they cannot as yet sufficiently perceiue, by what forcible
 " argument they are bound with the perpetuall temporal ouerthrow
 " of themselves, and their whole posteritie to obey your Holinesse
 " declarative commandement, which at the most is grounded vpon a
 " probable reason. Neither do they conceiue, that they ought therefore to bee accounted rebellious to the *See Apostolike*, for that they;
 " reseruing otherwise all dutifull reuerence to your Holinesse, doe not
 " in a matter, which is so preiudiciall vnto them, obey your Holinesse
 " Apostolicall letters, which either are written vpon false information, or grounded onely vpon a probable opinion.

14 And in the tenth Chapter of my *Theologicall Disputation*,
 h I brought to the obiection taken from his Holinesse Breues two answers, which are grounded vpon these two reasons. To make
 " therefore said I, now at the last a compendious answer to all the
 " three Breues, and so also to the whole obiection; To the first Breue,
 " whereon the other two doe depend, it is answered first, that although his Holinesse thinking, and in his opinion supposing the
 " Oath to bee of it selfe vnlawfull, and to containe many things,
 " which are contrarie to faith, and saluation, doeth therefore by

i Num. 44. &
sequen.

his letters or *Breues* forbid English Catholikes to take it, yet seeing that this his prohibition is onely a *declarative precept*, and founded in the private iudgement, and opinion of his *Holinesse*, as before we haue shewed, as we are not bound to follow the *Popes* opinion against the probable opinion of other Catholike *Diuines*, (then especially when by following it, very great preiudice is like to come to our selues, and many others; and when the reasons and grounds for his opinion, are for the most part by all men accounted to be very vnfound, as are almost all those arguments, which our learned *Aduersaries* haue objected against the oath) so also we are not bound to obey the *Popes declarative precept*, which is founded in his opinion, and in the reason which hee alledgeth, which *precept*, according to the aforesaid doctrine of *Franciscus Suarez*, hath no greater force to binde, then hath his reason and opinion, whereon his *declarative precept* doth wholly depend.

15 Secondly, it is answered, that there is no *English Catholike*, who if he be well instructed, will take the Oath, or approue it to be lawfull in that sense, wherein his *Holinesse* by all probable coniectures hath condemned it. For it is probable, and in my iudgement morally certaine, that his *Holinesse* did vnderstand the words of the Oath in that sense, wherein the *Diuines* of *Rome* did conceiue them, and especially *Cardinall Bellarmine*, whose aduise and opinion in this so weighty a Theologicall controuersie, which must needs bring great good or harme to this kingdome, his *Holinesse*, as it is very probable, both demanded, and followed, who therefore according to his *Holinesse* minde, and by his permission wrote in defence of his *Breues* against his *Maiesties Apologie* for the oath. But *Cardinall Bellarmine* vnderstood the Oath in this sense, as though it denied the *Popes Primacie* in spirituals, his power to excommunicate, to binde and loose, and also to dispence in Oathes in which sense doubtlesse it cannot be denied, but that it contains many things, which are flat contrary to faith and saluation, but no Catholike doth in this sense either take the Oath, or defend it to be lawfull. Neither are the arguments which *Cardinall Bellarmine* hath brought to prooue the same, any way sound and sufficient, but very fallacious, as I haue shewed at large in the said *Disputation*.

16 All this which is onely a part of the answer I brought from the obiection taken from his *Holinesse Breues*, I thought fit to repeat here againe onely for satisfaction of some scrupulous Catholikes, who perchance fearing now to reade my *Disputation*, it being forbidden by the *Cardinals* of the *Inquisition*, without declaring any cause either in particular, or in generall, why it is forbidden, of which their prohibition I will say more beneath, may here most clearly see, how soundly,

ly, and without any irreuerence, or vndutifull respect to his Holinesse, I propound to him the reasons for which *English Catholikes* thought themselves not bound to obey his *declaratiue precept* contained in his *Breues*, humbly requesting him, that in regard of his Fatherly care, and Pastorall dutie he would vouchsafe to instruct vs in the Catholik faith, and to make knowne vnto vs but one of those many things, which hee saith are in the Oath so manifestly repugnant to faith and saluation.

17 Whereby the Reader may easily perceiue the egregious fraude of this my vnlearned *Aduersarie*, in vrging so vehemently to my disgrace, the obiection drawn from the authority of his *Holines Breues*, & concealing the principall answer, which I brought thereunto, & whereby I cleared my selfe from all iust imputation of irreuerence, or vndutifull respect to his Holinesse. For what irreuerence or vndutifull respect to his Holinesse can be iustly imagined in propounding to him, being the *supreme Pastour* of our soules, with all reuerent and respectiue words, the reasons which doe moue vs to thinke that he hath beene misinformed of the true sense of the Oath, and the difficulties which do perplex our consciences concerning his *Breues*, and humbly requesting him in regard of his Fatherly loue, and Pastorall office that he would vouchsafe to teach vs, & instruct vs in the Catholike faith, & in those things, wch he saith are in the oath contrary to faith and saluation? No Catholike subiect is bound so to respect and reuerence his *superiour*, albeit he be the *Pope*, as to obey his commandements, with blinde obedience, when his conscience doth dictate vnto him, that they are vniust, but hee may with all dutifull respect propound to his *Superiour*, although he be the *Pope*, the doubts and difficulties which his commandement hath brought to his perplexed conscience, & desire him, yea, and charge him, in regard of his Fatherly care, and Pastorall office, that he will vouchsafe to teach him, and instruct him, in what manner hee may quiet his minde, and take away those difficulties which his commandement hath brought to his troubled conscience.

18 Whereupon it is a common doctrine among Diuines, that when a *Superiour* or *Prelate* commandeth any thing, whereof the subiect hath a probable doubt, whether it bee lawfull or no, hee is not bound forthwith to obey: And this is also conforme to the rule and instruction, which *Pope Alexander the third* giueth to the *Archbishop of Ravenna*, and it is recorded in the Canon law, among the *Popes Decretals*, *Si quando aliqua tua fraternitati*, &c. If at any time, saith the *Pope*, we direct any thing to thy brotherhoode, which doth seeme to exasperate thy mind, thou oughtest not to be troubled, &c. Considering diligently the quality of the matter, for which we write vnto thee, either reverently fulfill our commandement, or by thy letters shew a reasonable cause wherefore thou mayest not fulfill it: for wee will suffer patiently, if thou doe not that which

Cap. si quando,
de Rescriptis.

Sot. de dergen.
secret. memb. 3.
q. 2. in Resp. ad
primum.

was suggested vnto vs by bad insinuation, or information. And among others *Dominicus Sotus* writeth thus, Prelates and Iudges are not in possession in respect of their subiects, vnlesse for as much as they command lawfull things, and therefore when it is doubtfull, whether they command a lawfull thing, then if it be in preiudice of a third person, because that third person is also in possession of his fame & goods, the subiect must incline to that part where there is the lesse danger. Neither are Prelates, who command nothing, whereby is feared any danger, to Religion, or the Common-wealth, or to a third person bound to render a reason; but simply they must bee obeyed also in doubts, as it hath beene said before, because then there is no danger, if it be presumed that the Iudge commandeth iustly: But when such a danger to Religion, or to the Common-wealth, or to a third person, is at hand, then if the Subiect doubt, he doth not against obedience, if he require of his Prelate a reason of his commandement, propounding humbly the reason of his doubt.

19 And that this is our very case in refusing to obey his Holiness Breues, forbidding Catholikes to take the new Oath of allegiance, by which prohibition such great preiudice to Religion, to the Common-wealth, to his Maiestie, and to all his Catholike Subiects, is like to arise, and in humbly propounding to his Holiness the reasons of our doubts, any man of iudgement may plainly perceiue. And if his Holiness hauing taken vpon him the charge and office of the Supream spiritual Pastour, and thereby is bound by the expresse commandement of Christ, to feede without exception all the sheepe of Christ his flocke, that is, not onely to punish, correct, and threaten them, but also to teach, and instruct them in the Catholike faith, and in all things necessary to saluation, especially when vpon vrgent cause they require it at his hands, if he will not vouchsafe to instruct the soules of vs poore English Catholikes, who by his Breues haue beene so greatly troubled and perplexed, and declare vnto vs some one of those many things, which he saith are in the Oath manifestly repugnant to faith and saluation, we hauing by priuate and publike letters and petitions so often, so instantly, and so reuerently demanded it at his hands, but instead of instruction to send threatnings, Censures, and prohibitions of our humble Supplications to be instructed by him, where by our credit and good name is taken away by the vncharitable courses of some violent men, what great an account both his Holiness and his Counsellors herein haue to render at the day of iudgement, to Christ our Sauour the Supream Pastour, and Iudge of all, I tremble to consider, and I pray Almighty God with all my heart, that both his Holiness, and they of his Counsell, may more duely consider thereof, before it be to late.

20 Thus thou hast seene the two reasons and answers, which I brought why any Catholike man may lawfully, and without any irreuerence, or vndutifull respect to his Holiness, not obey his declaratiue precept

precept contained in his *Breues*, now you shall see with what fraud, and ignorance my vnlearned *Aduersary*, hauing fraudulently concealed the first reason and answer, whereon I did chiefly rely, cauilleth against the second and lesse principall reason or answer, and taxeth mee of irreuerence, and want of respect to his Holinesse, for saying, that his Holinesse was by all likelihoode misinformed of the true sense of the Oath, by Cardinall Bellarmine, and other Diuines of Rome, and consequently deceived, and abused by them.

21 For can any man, saith M. Fitzherbert, ^k with reason perswade himselfe, that in such an important matter, as is this of the Oath, so famous (or rather to say truly, so infamous) throughout Christendome, so preiudiciall to the *Romane Sea*, so dangerous and burdensome to the consciences of English Catholikes, and so pernicious to their temporall states (as the world knoweth it to be) can any man, I say, with reason imagine, that his Holinesse did not at the very first, (before he published his first Breue) see the Oath it selfe, maturely weigh and ponder it. yea and sufficiently informe himselfe, of all circumstances necessary to the publication of his Apostolicall and iudiciall sentence? this truly cannot be imagined of his Holinesse, by any charitable Catholike.

22 But first to retort this friuolous argument of my vnlearned *Aduersary*, vpon Cardinall Bellarmine, and his booke published against the Oath, can any man with reason perswade himselfe, that in such an important matter, as is this of the Oath, so famous throughout Christendome, and which so much concerneth the *Romane Sea*, the *Soueraigntie* of temporall Princes, the consciences and temporall states of English Catholikes, and their obedience due to God and Caesar (as the world knoweth that it doth) can any man, I say, with reason imagine, that Cardinall Bellarmine, so learned, woorthy, and reuerent a man, did not at the very first (before he published his booke against his *Maiesties* Apologie for the Oath) see the Oath it selfe, maturely weigh and ponder it, yea and sufficiently informe himselfe of all circumstances necessary to the publication of his booke? and yet it is euident, as his *Maiestie* also hath conuined, that Cardinall Bellarmine did not rightly informe himselfe of the whole matter, and of the true sense of some clauses of the Oath, and was deceived, and abused English Catholikes in affirming so boldly, that the Popes power to inflict Censures, and to excommunicate his *Maiestie*, is denied by those words of the Oath, notwithstanding any sentence of Excommunication, &c. which any Catholike may, without any breach of charity, or vndutifull respect not onely imagine, but plainly see, and say to be euidently vntrue, and my *Aduersary* himselfe, as I signified before, by his silence in this point, doth in effect acknowledge as much.

23 Besides, can any man with reason perswade himselfe, or imagine,

gine, but that in such an important matter, as is this of the Oath, so famous throughout Christendome; &c. his *Holinesse* did at the very first; (before he published his *first Breue*) not onely see the Oath it selfe, maturely weigh, and ponder it, yea and sufficiently informe himselfe of all circumstances necessary to the publication of his *Apostolicall* and iudiciall sentence, but also that he demaunded, yea and followed the aduice and iudgement of his learned *Counsell* (especially of Cardinall *Bellarmino*, whose opinion in Theologicall matters, is accounted at *Rome*, as it were an Oracle) concerning the true sense and meaning of the Oath, and of all the parts, and parcels thereof? this truly cannot be imagined of his *Holinesse*, by any charitable *Catholicke*. Which being so, as any charitable *Catholicke* may not onely imagine, but also evidently see, that Cardinall *Bellarmino* affirming so resolutely, that the *Popes* power to *excommunicate*; to *binde* and *loose* in generall, to *absolve* from *Oathes* in generall, and consequently the *Popes* Primacy in spirituall, is manifestly denied in the Oath, did misinforme himselfe of the true sense and meaning of the Oath, and was deceiued, so likewise any charitable *Catholicke* may not onely imagine, but also with morall certaintie perswade himselfe (all circumstances considered) that his *Holinesse* also was ill informed, and consequently deceiued and abused by Cardinall *Bellarmino* of the true sense and meaning of the Oath.

24 Wherefore I neuer imagined, or conceiued, as this man seemeth to impose vpon me, and therefore chargeth me with irreuerence, vndutifull respect, and temerity, that his *Holinesse* did not, before hee published his *first Breue*, see the Oath it selfe, maturely weigh, and ponder it, & sufficiently, as he thought, informe himselfe, both by his own knowledge and learning, and also by the aduice of his learned Diuines, and especially of Cardinall *Bellarmino*, of the true sense and meaning of the Oath, and of all parts and parcels thereof; As likewise I neuer imagined, or conceiued that Cardinall *Bellarmino* did not, before he published his *first booke* against the Oath, see the Oath it selfe, maturely weigh, and ponder it, and sufficiently, as hee thought informe himselfe, both by his owne learning, and by the aduice also of other Diuines of *Rome*, of the true sense and meaning of the Oath, and of all the parts, and parcels thereof: yet as it is euident, that Cardinall *Bellarmino*, notwithstanding all his seeing, weighing, pondering, and informing himselfe of the true sense, and meaning of the Oath, was sowlly mistaken, deceiued, & misinformed of the true sense, and meaning of those words, [*notwithstanding any sentence of Excommunication, &c.*] and some other clauses of the Oath, so also it is probable, that his *Holinesse* was in the like manner mistaken and deceiued, by the euill information of Cardinall *Bellarmino*, of the true sense and meaning of the aforesaid clauses.

25 And by this that also, which Mr. Fitzherbert immediately ad-
deth, to taxe me of temerity and malice, and of accusing his Holinesse
of lacke of wisdome, of impiety, and manifest lying, is both answer-
red, and his fraud and falshood plainly discovered. And howsoever;
saith he, ^m my Adversary Widdrington, or any other, might be so temera- ^{m Pa. 112. n. 3}
rious, to haue that conceit at the first, yet hee could not without great malice
persist in that opinion, after the publication of the second Breue, wherein his
Holinesse acknowledgeth, and auoweth, that the former was not false, or
surreptitious, but written vpon his owne certaine knowledge, motion,
and will, and after long and graue deliberation had, concerning all
things contained therein, and that therefore the Catholikes were bound
to obserue it wholly, reiecting all interpretations to the contrary. This
being so, (according to my Adversaries owne relation) it is most eident, that
his Holinesse had taken sufficient information of the whole matter, and all
the circumstances thereof, euen before he published his first Breue, and there-
fore Widdrington affirming the contrary cannot haue that opinion, which
a charitable and pious Catholike ought to haue, either of the wisdome, and
pietie of his Supreme Pastour, or of the authoritie and veritie of his Apo-
stolicall Breues, and Decrees; but doth in effect charge him to haue lyed
manifestly in his second Breue, when hee testified that hee made the first;
with such mature deliberation, and certaine knowledge, as you haue
heard.

Dis. Theol. 4.
10. sec. 2. nu. 59

26 To this second Breue, which his Holinesse purposely sent hi-
ther, as he himselfe in the beginning thereof affirmeth, for that it was re-
ported vnto him that some heere did say, that his letters or Breue dated the
22. of October 1606. concerning the forbidding of the Oath were not written
according to his owne mind, and his owne proper will, but rather for the re-
spect, and at the instigation of others, for which cause they went about to per-
swade others; that his commaundments in the said letters were not to be re-
garded, I gaue this answer, ⁿ which my fraudulent Adversary alto- ^{n Dis. Theol. 4.}
gether concealeth. In the second Breue which was dated the first of ^{10 sec. 2. nu. 59.}
September 1607. it is onely declared, that the former letters of his Ho-
linesse, (wherein he strictly commanded English Catholikes that they
should in no wise take the said Oath) were not false and surreptitious, but
written not onely vpon his certaine knowledge, and by his owne proper mo-
tion and will (by which words neuertheless he doth not intend to de-
nie that he in writing them, vsed the aduise, and opinion of others)
but also after long and graue deliberation had concerning all the things
which are contained in them, and that therefore they were bound to obserue
them exactly, setting aside all interpretation, which may perswade to the
contrarie. Which last words are so to be vnderstood, that there must
be made no frivolous interpretation of those letters, or no such inter-
pretation, which should make any man to think, or make any doubt,
that

Salas diff. 21.
de Leg. for. 2.
Sa in Apho-
rif. verbo In-
terpretatio
no. 5.

“ that they werenot written with his *Holiness* knowledge and priuity,
“ and by his owne proper will. For as *Ioannes Salas*, and *Emannell Sa*,
“ both of them Diuines of the *Society of Iesus*, doe well obserue, *It is*
“ *lawfull for Doctours to interpret all lawes, not indeed by a necessarie pub-*
“ *like, or iuridical, but a priuate and not binding interpretation, althoug the*
“ *Prince should say, that it should be lawfull for no man to interpret other-*
“ *wise this our writing, for then he onely forbiddeth fruivolum interpretations,*
“ *and which are expressely contrary to his mind.* Which their doctrine is
“ with far greater reason to be vnderstood of the *Popes declaratiue pre-*
“ *cept*, which is only grounded vpon presumption, and vpon his owne
“ opinion, and priuate iudgement, wherby he perswadeeth himselfe,
“ that the thing which he forbiddeth is otherwise vnlawfull, as being
“ forbidden by some former law, whose opinion and also *declaratiue*
“ *commandement* grounded onely vpon his opinion, when it is a-
“ gainst the probable doctrine of other Catholike Diuines, may not
“ onely be interpreted, but also contradicted, as I shewed before out
“ of the doctrine of *Suarez*. Seeing therefore that this *second Breue* is
“ onely an approouing and confirming of the former, it can haue no
“ more force to bind then the former hath, for confirming whereof it
“ was written by his *Holiness*.

27 By this you may see, that I did not say, as Mr. *Fitzherbert* vn-
truely affirmeth me to say, that his *Holiness* before he published his *first*
Breue did not see, maturely weigh and ponder the *Oath*, and sufficiently
as he thought informe himselfe of all the clauses contained therein; or
that his *first Breue* was false or surreptitious, and not written vpon his owne
certaine knowledge, motion and will, and after long and graue deliberation
concerning all things contained therein: But that which I said is, that
notwithstanding all his long and graue deliberation, first either his *first*
Breue was grounded not vpon any certaine doctrine and of faith, but
onely vpon his owne opinion and of the rest of his Diuines, that the
doctrine for his power to depose *Princes* is certaine and of faith, which,
for that the contrary is *truely probable*, and hath euer beene maintained
by learned Catholikes, no Catholike is bound to follow, and conse-
quently neither to obey his *declaratiue precept*, which was grounded
thereon, as from the doctrine of *Fa. Suarez*. I clearly deduced, and this
was my *first and principall* answer to the *first Breue*: whereon the two
other *Breues* did wholly depende: or else *secondly* that if his *Holiness* was
perswaded by the information of *Cardinall Bellarmine*, and his other
Diuines, as by all likelihood he was, that in the *Oath* were contained
many things flat contrary to faith and saluation: for that he thought his
power to inflict Censures, to excommunicate, to binde and loose in
generall, and consequently his spirituall Supremacie were denied in
the *Oath*, that then he was ill informed, deceiued, and abused by the ad-
uise

uife of Cardinall Bellarmine, and of his other Diuines, for that it is euident, as I conuincd in my *Theologicall Disputation*, that no such thing is denyed in the *Oath*, and this was my *second*, and leife principall answer.

28 Besides that, Mr. *Fitzherbert* may in those last words of his, to wit, [*that the Pope testified that he made the first Breue with mature deliberation and certaine knowledge*] vse some cunning fraude: For his meaning may be, that his *Holinesse* testified, that he made the *first Breue* not onely with *mature deliberation* had concerning all things contained therein, but also with *certaine knowledge* of the trueth and veritie of all that he affirmed therein, as though his *Holinesse* should haue said, that he knew *certainely*, that *many things were contained in the Oath* flat contrary to faith and saluation, as hee affirmed in his *first Breue*, whereas it is euident, that his *Holinesse* said no such thing, but those words [*certaine knowledge*] which in his *second Breue* were placed before, and not after those words [*long and graue deliberation &c.*] as this fraudulent man placeth them, (as though his *certaine knowledge* did proceede from his *long and graue deliberation*) doe onely signifie, that his *Breue* was not surreptitious, false, faigned, forged, or written without his priuie and knowledge, but that it was his true, and vndoubted letter or *Breue*, and that he *certainely* knew, that all therein contained was written by his owne power will and motion, which I neuer denied, or meant to call in question.

29 And therefore very falsly and dishonestly doth Mr. *Fitzherbert* say, that I in effect charge his *Holinesse* to haue lied manifestly in his *second Breue*, when he testified that he made the first with such *mature deliberation and certaine knowledge*, as you haue heard. For Leuer acknowledged, as his *Holinesse* in his *second Breue* doth testifie, that his former *Breue* was not false, or surreptitious, but written as you haue heard, upon his *certain knowledge*, motion, and will and after *long and graue deliberation* had, concerning all things contained therein: yet from this *long and graue deliberation* it doth not follow, that therefore his *Holinesse*, and his *Diuines* found out the truth in all points, and were not in very deepe mistaken, and deceived in the true vnderstanding of some clauses of the *Oath*, and that they certainly knew, that the *Pope* power to depose *Princes*, which is denied in the *Oath*, is a point of faith, or that his power to excommunicate, to binde and loose &c. which is a point of faith is denied in the *Oath*. As also I doe willingly grant, that Cardinall Bellarmine's booke against his *Maiesties Apologia* was his owne true booke, although masked vnder his *Chaplaines* name, and not false or surreptitious, but written vpon his *certaine knowledge*, motion, and will, and after *long and graue deliberation* had concerning all things contained therein, and notwithstanding all this I dare boldly affirme, that he knew:

knew not certainly, that all the things which he said therein were true, and that in many things concerning the Oath, whereof some I have named before, he was fowly mistaken, and deceiued, as I have conuincd in my *Theologicall Disputation*.

o Pag. 213.
n. 4.

p Ibid. nu. 60.

30 Now with the like fraude and falsitie doth M^r. *Fitzherbert* run from the second Breue to the third, as he did before from the first to the second. And if the second Breue, saith he, ° did not suffice to cleare his Holinesse of this imputation, yet his third Breue must be abundantly sufficient to doe it in the opinion of any reasonable man, seeing that he confirmed thereby his former iudgement, giving expresse order, and facultie to Master George Birket, the late Archpriest (as Widdrington himselfe also signifieth) P to punish by the deprivation of faculties all such English Priests of the Seminaries, as being subiect to his iurisdiction had already taken the Oath, or had taught, or did still teach it to be lawfull, and not abstaine from the same, and reforme their error upon due admonition given them, and within a certaine time to be prescribed vnto them; whereby, I say any reasonable man must needes be inducd to thinke, that his Holinesse neither was nor could be all this time (which was more then two yeeres) ignorant of the true nature, and qualitie of the Oath, and of the state of the question betwixt the Catholikes and their Aduersaries, especially seeing that now he began to draw his Apostolicall sword, proceeding to the punishment of such as did take, or defend the Oath, which he could not lawfully doe without due consideration, and diligent discussion of the whole controuersie, and sufficient information of all the circumstances thereof.

31 Thus you see how M^r. *Fitzherbert* turneth, and windeth in such a running and fraudulent manner, that his Reader cannot well perceiue of what imputation he meanes, when he saith, that if the second Breue be not sufficient to cleare his Holinesse of this imputation, yet his third Breue must needes be abundantly sufficient to doe it. For that which I said onely is, that his Holinesse by all likelihoode was not truly informed by Cardinall *Bellarmino* and his other Diuines of the true sense, and meaning of some clauses of the Oath, against which you haue seene with what fraude and falsitie my ignorant Aduersarie hath wrangled and iangled, as though I had taxed his Holinesse for publishing his first Breue, before he had seene, or maturely weighed and pondered the Oath it selfe, and all the clauses thereof, and without grame and long deliberation had concerning all things contained in his Breue, which how vntrue this imputation is wherewith hee chargeth me, I haue already shewed. Now this silly man laboureth to prooue, as also he insinuated before, that because his Holinesse did maturely weigh and ponder the Oath and euery clause thereof before he sent hither his first Breue, and did sufficiently informe himselfe of all circumstances necessarie to the publication of his Apostolicall and iudiciall sentence, as well concerning

ning the forbidding of the Oath by his *first Breue*, as also concerning the punishing of such *Priests* that should take, or defend the Oath to be lawfull, by his *third Breue*, sent hither *two yeeres* after, which he could not, saith my *Adversarie*, lawfully doe without due consideration, and diligent discussion of the whole controuersie, and sufficient information of all the circumstances thereof, therefore his Holinesse neither was, nor could all this time (which was more then two yeeres) be ignorant of the nature and qualitie of the Oath, and that therefore he could not be ignorant, but certainly knew, that there are many things in the Oath flat contrary to faith, and saluation, as he had declared by his *first Breue*.

32 But to omit now those words [*sufficient information &c.* and that his Holinesse did sufficiently informe himselfe &c.] which my *Adversarie* heere diuers times repeateth, which because they are equiuocall, and may haue a double sense I will declare beneath, it is very vntrue, and contrary to the doctrine of Cardinall Bellarmine, and of all other learned Diuines to say, that certaine and infallible knowledge of truth is in the Pope necessarily annexed to his long, graue, mature, and diligent consideration and discussion of any doctrine or matter, vnlesse the doctrine and matter be of such a nature, and the discussion thereof be done with such circumstances, and in such a manner, as *Christ* hath promised him his infallible assistance, which euen according to the doctrine of Cardinall Bellarmine, and *Canus*, *Christ* hath not promised him in such decrees or definitions, which are not directed, and doe not appertaine to the whole Church, as are these his *Breues* forbidding the Oath, whereof the two first are onely directed to *English Catholikes*, and the third onely to *M^r. Birket*, then *Arch-Priest*. For in *customs, lawes, or decrees*, which are not common to the whole Church, but are referred to private persons, or Churches not onely the Pope, but also the Church may erre and be deceived through ignorance; I say, saith *Canus*, not onely in her iudgement of facts, or things done (as whether such a one committed such a sinne, hath lost his faculties, ought to be censured, and such like) but also in her private precepts and lawes themselves: and the true and proper reason hereof he bringeth from the authority of Pope *Innocent* the third, which I related also aboue, & for that albeit the iudgement of God is alwaies grounded upon truth, which neither deceiueth, nor is deceived, yet the iudgement of the Church is now and then led by opinion, which oftentimes doth deceive, and is deceived, &c.

*Canus lib. 5.
q. 5. concl. 3.*

*q. Chap. 13.
nu. 11.*

33 Whereupon the Reader may most cleerely perceiue, how vnlearnedly my ignorant *Adversarie* doth inferre, that because his Holinesse had a long, graue, and mature deliberation, and consultation, concerning the true sense of the Oath, and of euery clause thereof, and did send hither his *third Breue* for punishing those *Priests* that should take or defend the same, therefore he could not be ignorant of the true sense of

of euery clause thereof, but must certainly and infallibly know, that many things are therein contained flat contrary to faith and saluation, as he by his *first Breue* had declared; as though his sentence and iudgement in Decrees, which are directed onely to priuate persons or *Churches*, should be alwaies grounded vpon truth, which neither can deceiue nor be deceiued, and that he cannot erre through ignorance, or be led by opinion, which oftentimes doth deceiue, & is deceiued in his priuate lawes & decrees, which are not common to the whole *Church*, but doe belong to priuate men, *Bishops*, or *Churches*; and that therefore those *Priests* whom he bindeth or punisheth by his Censure and sentence, may not be free before *God*, and those other *Priests* whom he doth not Censure, may not deserue punishment in the sight of *God*, according to that which Pope *Innocent* in the end of his aforesaid reason did affirme.

34 But those words which Mr. *Fitzherbert* often repeateth, that his *Holinesse* after so long and graue deliberation had concerning all things contained in his *first Breue*, (among which the principall was that many things are contained in the Oath, which are manifestly repugnant to faith and saluation) was *sufficiently informed* of the whole matter, are very equiuocall, and may haue a double sence. For *first* these words may signifie, that his *Holinesse* after so long and graue deliberation was *sufficiently informed* to excuse him from sinne for doing what hee did, and for sending hither his *Breues* to forbid the Oath, and to punish those *Priests* that should take the Oath, or teach it to be lawfull, and with this point (for that it little importeth our present question, whether the Oath not onely in the *Popes* opinion and conscience, but also really, truely, and certainly containeth in it many things flat contrary to faith and saluation, or no, and for that it is a thing secret and vnknowne to me) I will not intermeddle, but leaue it to the conscience of his *Holinesse*, and to the iudgement of *God*, who searcheth the hearts and reines of men. Yet this I dare boldly say, that in my iudgement his *Holinesse* might haue beene more *sufficiently informed* of the whole matter, if hee had consulted this question concerning the certainty of his authority to depose *Princes*, and whether his spirituall Supremacie, or any other doctrine of faith or manners necessarie to saluation, is denied in the Oath, not onely with his owne *Diuines*, who are knowne to maintaine with such violence both his authority in temporals over temporall *Princes*, which is the principall marke at which the Oath doth aime, and his spirituall authority over the whole Church, or a *Generall Councell*, but also with the *Diuines* of *Fraunce*, who are not so vehement for either of them, and with the learned *Priests* and *Catholikes* of *England*, whom it did most concerne, and I am fully perswaded, or rather morally certaine, that both the *Cardinall Peron*, and many

many other learned Catholikes both of *France* and *England*, would at that time plainly haue told his *Holinesse*, and given him sufficient reasons for their saying, that neither the doctrine for his power to depose *Princes*, which is expressly denied in the oath, is certaine, and of faith, or the contrary improbable, nor that his power to excommunicate, or any other spirituall authority of his, which is certaine, and of faith, is denied in the oath.

35 And this also of my owne knowledge is very true, as I haue signified heeretofore to his *Holinesse*, that a certaine *Priest*, not of meaner sort, did presently vpon the resolution of M^r. *Blackenell*, then *Arch-Priest*, and of diuers other learned *Priests* and *Catholikes*, that the Oath might lawfully be taken, with all the speed he might write to M^r. *Nicolas Fitzherbert*, being then at *Rome*, and sincerely related vnto him, how all things heere had past concerning the conference and resolution, of learned *Priests* and *Catholikes* about the Oath, earnestly requesting him, that either by himselfe, or by meanes of a certaine *Cardinal*, whom he nam'd to him, he would deale effectually with his *Holinesse*, not to bee perswaded to send hither any *Breue* against the taking of the Oath, things standing as they did, for that otherwise his authority, as well temporall to depose *Princes*, as spirituall to define without a generall *Councell*, would be more strongly called in question by *English Catholikes*, then it hath bene in former times. Now if his *Holinesse* had deferred for a time the sending hither of his first *Breue*, and in the meane space had demaunded the opinion of *English Catholikes*, whom most of all it concerned, in this difficult controuersie about the lawfulnessse of the Oath. he might doubtlesse haue bene more sufficiently informed of the whole matter, then he was, or could be informed by his owne *Diuines* of *Rome*, whom (besides that they had not taken such paines in canuassing this question, touching the certaintie of the *Popes* authoritie to depose *Princes*, as many of our *English Catholikes* had) he might haue some cause to suspect, that they would speake partially in fauour of his authority, either for hope of promotion, as being men feruent to aduance all his pretended authoritie, or for feare of incurring his displeasure, and to bee accounted *Aduersaries* to the Sea Apostolicall as the euent alas hath proued to beeouer true.

37 Or secondly the sense and meaning of those wordes may bee, that his *Holinesse* by that long, graue, and mature deliberation and consultation was sufficiently, that is, truly and certainly informed of the whole matter, and of the true sense and meaning of all the clauses of the Oath, and this I say is very vnttrue, as likewise it is very vnttrue, that *Cardinall Bellarmine*, notwithstanding all his graue, mature, and long deliberation and consultation had concerning this controuersie (for

(for betwixt this consultation of his *Holineſſe* at which Cardinall *Bel-larmine* was one of the chiefest, and the publishing of his *second* booke against his *Maiestie* there passed almost foure whole yeeres, and the consultation of his *Holineſſe* could continue but few moneths, seeing that the Oath was published heere about *Iune*, and his *Holineſſe* first *Breue* was dated the *first* of *October* next following) hee was greatly mistaken, and deceiued both in the vnderstanding of those wordes of the Oath [*notwithstanding any sentence of Excommunication, &c.*] and of diuers other clauſes thereof, as I haue sufficiently conuincd in my *Theologicall Disputation*, and Mr. *Fitzherbert* by his silence, and not replying to this point being vrged by me thereunto doeth in effect acknowledge as much: and also in his opinion touching the certaintie and infallibilitie of the doctrine for the *Popes* power to depose temporall *Princes*, which without any sufficient ground, (euen according to his owne principles,) hee will needes haue to bee a point of faith.

¶ P. 214. nu. 9.
Disp. Theol. c.
10. f. 2. nu. 46.

38 And heereby you may see how falsly and slanderously, and with small respect to his *Holineſſe*, whom Mr. *Fitzherbert* would seeme so much to reuerence hee concludeth in these wordes: *Therefore he that thinketh otherwise of his Holineſſe (as Widdrington doth affirming that his Breues were grounded vpon light foundations, and false informations) must needes hold him to be the most carelesse and negligent Pastour that euer governed the Church of God: whereby any man may iudge what account Widdrington maketh of his Holineſſe, and his authoritie notwithstanding his submission of his writings to the Catholike Roman Church.*

39 But first it is very vntrue, that from my wordes any such inference can bee gathered, as Mr. *Fitzherbert* heere maketh. I gaue indeede, as you haue scene, *two answers* to his *Holineſſe Breue*: which are briefly comprised in those few wordes [*light foundations, and false informations.*] My first and principall answer, which this fraudulent man altogether concealeth, was this; that if his *Holineſſe Breue* forbidding Catholikes to take the Oath, for that it containeth many things flat contrarie to faith and saluation, was grounded vpon the *Popes* power to depose *Princes*, to dispose of temporalls, to inflict temporall punishments, and to absolue subiects from their temporall allegiance, as all my *Adversaries* grant it was chiefly grounded thereon, then I say it was not grounded vpon any certaine doctrine, infallible, and of faith, but vpon vncertaine and fallible grounds, and which were alwayes impugned by learned Catholikes, which vncertaine and fallible grounds I called light, for that they are not sufficient and weightie enough, let them be neuer so probable, to build thereon any certaine and infallible doctrine of faith, and which every Catholike, vnlesse
hee

hee will deny his faith, is bound to follow. My second answer, (which this man doth also in great part conceale, for that I did particularly set downe wherein his *Holinesse* was *misinformed* which he wholly *dissembleth*) was, that if his *Holinesse Breue* was grounded, as by all likelihood it was, vpon this foundation, that his power to *excommunicate*, his power to bind and loose in generall, and consequently his spirituall Supremacie, which according to the common doctrine of Catholikes is indeede cleerely repugnant to faith, is denyed and impugned in the Oath, then I say, that his *Breues* were grounded vpon false informations, for that there is no such thing denyed in the Oath; as I haue evidently conuincd, howsoeuer Cardinall *Ballermin* hath laboured to prooue the contrarie. And neither of these answeres can bee sufficiently confuted by any of my *Aduersaries*; neither are they repugnant to the submission of my writings to the *Catholike Roman Church*.

40 So as you see that I made not that irreuerent inference, which Mr. *Fitzherbert* heere concludeth. I affirmed onely the *Minor* proposition, to wit, that his *Holinesse Breues* condemning the Oath, for that it containeth many things flat contrarie to faith, and saluation, were grounded vpon an vncertaine and fallible foundation or doctrine, and light, that is, not weightie enough to make a matter of faith, to wit, that it is against faith to say, that the Pope hath not power to depose *Princes*, &c. and vpon false informations, to wit, that his power to *excommunicate*, to binde and loose in generall, and consequently his spirituall Supremacie is denyed in the Oath; and both these my assertions I haue sufficiently conuincd to bee true. But this silly man thinking thereby to lay a foule aspersiō vpon mee of irreuerence, and small respect to his *Holinesse*, doth himselve adde the *Maior* proposition not affirmed by mee, and therein he plainly sheweth his owne irreuerence, and small respect to his *Holinesse*, and to many other *Popes*, accusing him and them by this *Maior* proposition, which hee addeth, to bee the most carelesse and negligent *Pastours*, that ever governed the Church of God. For this is his *Maior* proposition, whosoever affirmeth, that his *Holinesse Breues* were grounded vpon light, or vncertaine foundations, and false informations, must needs hold him to bee the most carelesse and negligent *Pastour* that ever governed the Church of God; by which his assertion hee plainly sheweth what little respect and reuerence hee beareth to his *Holinesse* and sundrie other *Popes*, who oftentimes, as I shewed before out of Pope *Innocent* the third, ^c are oftentimes lead in their iudgements and *Apostolicall* sentences by vncertaine opinions, which both deceiue and are deceiued, and not alwayes by true informations, for which cause, saith Pope *Innocent*, it happeneth sometimes, that hee who is bound before God is not bound before the Church, and he that is free before

^c In his Canon,
Anobis 2. de
sens. Excom.

God is bound by a Censure of the Church. So that you see what account Mr. Fitzherbert, to vse his owne wordes, maketh of these Popes, holding them, according to this his assertion, to bee the most carelesse and negligent Pastours that ever gouerned the Church of God.

41 For my owne part I neither made that irreuerent inference, which Mr. Fitzherbert heere collected, but hee himselfe out of his want of learning and iudgement broached and inuented that irreuerent Maior proposition, from whence, if it were generally true, that inference may indeed be gathered as well concerning his Holinesse Breues, as also the Decrees and iudiciall sentences of other Popes, wherein as Pope Innocentius himselfe acknowledged they are sometimes lead, not by trueth, but by opinion, and information, which oftentimes is false, and both deceiueth, and is deceiued: neither did I deny, that his Holinesse before hee published his Breues, vsed graue, long, and mature deliberation concerning all things contained therein; albeit I must needs confesse, that hee might haue vsed a more graue, long, and mature deliberation, if hee would haue consulted the matter not onely with his owne Diuines of Rome, but also with those of France, and these of England whom most of all it concerned: and doubtlesse hee might by them haue had a more sufficient information of the whole matter and controuersie, then hee had by his owne Diuines alone, as the euent sheweth to bee very true. But whether this his graue, mature, and long deliberation, and consultation with his Diuines onely of Rome, was sufficient to excuse him from all carelesnesse, and negligence before the sight and iudgment of God, I will not, as I said before, it being a thing not knowne to mee, meddle therewith: neither will I accuse, or excuse his Holinesse from sinne for sending hither his Breues so preiudiciall to the Kings Maiestie, and to all his Catholike subjects, without making a more graue, long, and mature deliberation and discussion, but I leaue it to the iudgement of almighty God, who onely knoweth the secrets of all mens hearts, when through ignorance or negligence they commit any offence. And thus you haue seene, that fraude hath beguiled it selfe, and how in that snare, which Mr. Fitzherbert to taxe me of irreuerence and small respect to his Holinesse hath laid for me, is wily beguily caught himselfe. Now you shall see with what fraude and falsitie this silly, ignorant, and deceitfull man doth still goe on.

■ P. 314. nu. 6.
x Ibid. nu. 51.
○ 52. Memori.
De sic. nu. 8.

42 And whereas Widdrington signifieth, saith he, ¹ that his Holinesse was deceiued by Cardinall Bellarmine, ² and Fa. Parsons, hee sheweth himselfe very vaine and absurd in this coniecture. For how can any man perswade himselfe with reason, that his Holinesse, meaning to giue his Apostolicall sentence in a matter of so great importance, as was this of the Oath (which sentence hee was well assured should be skanned and censured

to the uttermost by all the Heretikes and Politikes of Christendome) would suffer himselfe to bee led or guided by any two, three, or few persons, were they neuer so learned, or well esteemed of him? Besides that, it is evident to all those that know how that matter passed, that it was long debated in certaine Congregations of Cardinalls, and other great Diuines; wherein Cardinall Bellarmine had onely but one voice, as other Cardinalls had, and Fa. Parsons none at all, for that hee did not enter therein.

43 But obserue, good Reader, the egregious fraude and falsitie of this man, who would make thee beleue, that I did say, that his Holinesse was deceiued and misinformed of the true sense and meaning of certaine clauses of the Oath, only by Cardinall Bellarmine, and Fa. Parsons, and not also by the other Diuines of Rome, who consulted of this matter; for which cause hee omitted to set downe entirely my second answer to his Holinesse Breue, and also the particular points, wherein I said his Holinesse was misinformed by them, least that his manifest fraude and falsitie should presently haue bene discovered. For albeit in my Epistle Dedicatorie to his Holinesse, I named only Card. Bellarmine, and Fa. Parsons, for that they were the two chiefe and principall men that first stirred in this Controuersie by publike writings, the one of the Italian, and the other of our English Nation, yet I did not there affirm, that his Holinesse was misinformed, deceiued, led, or guided onely by Cardinall Bellarmine, and Fa. Parsons; and in my second answer, whereto also Mr. Fitzherbert in the margin remitteth his Reader, I expressly signified the flat contrarie, and with Card. Bellarmine, (for Fa. Parsons there I named not) I also ioyned the other Diuines of Rome.

“ It is probable, said I, and in my iudgement morally certaine, that
 “ his Holinesse did vnderstand the words of the Oath in that sense,
 “ wherein the Diuines of Rome did conceiue them, and especially
 “ Card. Bellar. &c. ² And a little after I set downe a copie of Fa. Parsons letter, wherein at the very beginning thereof, which words Mr. Fitzherbert fraudulently concealeth, he said, that about some foure or five months agoe it was consulted (at Rome) by seuen or eight of the learnedst Diuines that could be chosen, who gave their iudgement of it. There reasons are many, but all deduced to this, that the Popes authoritie in chastising Princes vpon a iust cause is de fide, and consequently cannot bee denied, when it is called into controuersie, without denying of our faith, nor that the Pope or any other authoritie can dispence in this.

y Disp. Theo.
c. 10. §. 2. m. 51.

z See these
above, m. 15.

44 Now what a false and fraudulent man is this to make his Reader beleue, that I should say that his Holinesse was deceiued onely by Cardinall Bellarmine, and Fa. Parsons, and in a matter of so great importance as was this of the Oath, &c. would suffer himselfe to bee led or

guided by any two, or three, or a few persons, &c. for which cause hee concealed my words, which did expressely signifie the flat contrary, thinking belike, that my Disputation of the Oath, being forbidden by the Cardinals of the *Inquisition*, no man would adventure to skan the matter, and examine whether he had dealt sincerely, or no, but must beleuee all to bee true that hee said, and so all his forgeries should goe for currant ware. But truly such corrupt dealings is shamefull in a Heathen writer, or any other morall honest man, much more in Mr. T. F. then Priest Esquire, and now an eminent man of the Society of *Iesus*. But now Mr. T. F. labourerh much to free, not Cardinall *Belarmine*, but his olde freind Fa. Parsons from this calumnie, as he tearmeth it, and to shew, that his Holinesse, was not misinformed by Fa. Parsons, and induced by him to send hither his Breues, to forbid Catholikes to take the Oath.

a Page 215.
num. 7. 8. 9.
Disp. Theol. ca.
10. sic. 1. num.
52. 53. & seq.

45 *Whereto* I also adde, faith hee^a, that Widdrington contradiceth, and overthroweth his owne calumnie, touching Fa. Parsons, with a relation which hee maketh to iustifie it, in his Theologicall disputation, wherein hee layeth downe the contents of a letter written by Fa. Parsons, to a freind of his in England, signifying that a consultation had bene made by seauen or eight of the best Diuines in Rome about the Oath, and that hee himselfe had conferred twice with his Holinesse touching the same, and that in the first conference hee and Thomas Fitzherbert propounded to his Holinesse a certaine meane of mitigation, or moderation, suggested by friends, to the which his Holinesse answered, that his meaning was not to proceed to Censures against his Maiestie, but rather to vse all gentle and milde proceeding with him; but as for the authority of the Sea Apostolike, in such affaires, hee was fully resolved rather to suffer death, then to yeeld one iot therein. And in the other conference, his Holinesse being aduertised that certaine Priests did incline to the taking of the Oath, answered, that hee could not take such for Catholikes.

46 Thus doth Widdrington relate Fa. Parsons letters touching his conference with his Holinesse, before the first Breue was sent into England; whereby it is manifest that Fa. Parsons was so farre from perswading or drawing his Holinesse to the resolution which he tooke concerning the publication of his Breue, that hee sought to induce him to some other course, propounding meanes of mitigation, which indeede ~~will~~ testifie to be true upon my owne knowledge, as it may appeare by my subscription to that letter of Fa. Parsons, which Widdrington mentioneth, if the originall bee yet extant.

47 And therefore to the end that thou maiest, good Reader, know somewhat more of this matter, and upon what occasion his Holinesse spake of Censures

Censures against his Maieſty, thou ſhalt vnderſtand, that among other things tending to the mitigation which Fa. Parſons propounded, one was, that it might pleaſe his Holineſſe to offer to his Maieſtie, that if his Maieſtie would uſe at leaſt ſome conuiniencie, and moderation towards the poore afflicted Catholikes his ſubiects, his Holineſſe would giue ſufficient aſſurance by meanes of Catholike Princes, that hee would neuer proceede with Censures against him, but binde his ſaid ſubiects vnder the paine of grievous Censure to yeeld vnto his Maieſtie all temporall and ciuill obedience, for the ſecurity of his ſtate and perſon; which motion his Holineſſe ſeemed not to miſlike, and therefore ſignified, that the ſame was conforme to his intention, which was not to proceed to the rigour of Censures against his Maieſtie, but to uſe all indulgent and courteous dealing towards him, albeit he was reſolued rather to loſe his head, then to yeeld any iot of his authority in ſuch affaires.

48 But whether his Holineſſe miſunderſtood ſome claues of the Oath, and was induc'd to forbid the ſaid Oath, as containing in it many things flat contrary to faith, and ſaluation, onely by the information, and inſtigat[i]on of Cardinall Bellarmine, and of other Diuines of Rome, or alſo by the ſollicitation of Fa. Parſons, it is not much materiall to the ſubſtance of my ſecond anſwere, which was, as you haue ſeene, that it is probable, and in my iudgement morallly certaine, that his Holineſſe vnderſtood the words of the Oath, in that ſenſe wherein the Diuines of Rome, and eſpecially Cardinall Bellarmine, (for the reaſon I there alleadged) did conceiue them. But Cardinall Bellarmine vnderſtood the Oath in that ſenſe, as though it denied the Popes primacie in ſpirituals, his power to excommunicate, to binde and loſe, and to diſpence in oaths: wherein hee was ſowly miſtaken, as I conuinc'd in the ſaid Diſputation. And doubtleſſe both Fa. Parſons, and the Diuines of Rome did agree with Cardinall Bellarmine in the vnderſtanding of the aforeſaid claues of the Oath; as alſo Mr. Fitzherbert himſelfe did in his Supplement, as I ſhewed before^b, Chap. 1. follow their opinion, and conceiue, that the Popes power to excommunicate is denied in the Oath, although now by his ſilence, and not anſwering to that point, which I vrge'd againſt him, it ſeemeth that hee ſeeth himſelfe to be deceiued therein. Neither can there be made any doubt in the iudgement of any prudent man, that if the Diuines of Rome had diſſented from Cardinall Bellarmine's opinion in that point, hee durſt neuer haue aduentured to affirme ſo confidently in his firſt booke againſt his Maieſties Apologie for the oath, that the Popes power to excommunicate hereticall Kings is plaine'y denied in the Oath, and eſpecially after his Maieſtie had cleaue'y conuinc'd him of falſity in this point, againe in his ſecond booke againſt his Maieſtie ſo boldly to confirme the ſame.

49 Moreouer, that his Holineſſe was miſinformed by Cardinall Bellarmine, vith whom the other Diuines of Rome did herein agree, I

c Num. 52.

brought an another sufficient reason, taken from the *first* part of Fa. Parsons letter, which Mr. Fitzherbert doth fraudulently conceal, and relateth onely the *last* part thereof; whereon I did not so much rely as vpon the former, to prooue that his Holinesse was misinformed by Cardinal Bellarmine, and the other *Diuines* of Rome, for of Fa. Parsons misinforming his Holinesse I made no mention at all in that answer, but onely of his vrging his Holinesse to send hither his *Breues* against the oath. My words werethele^c. Moreouer, that his Holinesse was perswaded, that in this oath is denied his spirituall authority to inflict Censures, is plainly gathered by a letter of Fa. Parsons, who did greatly vrge and sollicite his Holinesse to send hither his *Breues*, as both some *Iesuites* here with vs doe freely confesse, and also no man who knoweth how our English affaires were carried at Rome in his daies, can make any doubt thereof. This therefore is the true copie of that letter, &c. *About some foure or five moneths agoe, it was consulted by seauen or eight of the learnedst Diuines, that could bee chosen, who gaue their iudgement of it. Their reasons are many, but all reduced to this, that the Popes authority in chastising Princes vpon a iust cause is de fide, and consequently cannot bee denied when it is called into controuersie without denying of our faith, nor that the Pope, or any other authoritie can dispense in this, &c.*

d Num. 57.

Aug. lib. 1. contra iudaeos, leg. & prophetas. cap. 7.

50 Now Mr. Fitzherbert, doth fraudulently conceal this part of the letter, whereby it is manifest, that the *Diuines* of Rome did suppose, that the *Popes* authority to punish *Princes*, and consequently to excommunicate and to inflict spirituall Censures is denied in the oath; for otherwise, as I shewed in that place,^d they had argued very vitiously against the knowne rules of *Logicke*, from a particular, to inferre an *vniversall*, as thus; The *Pope* cannot chastise *Princes* by taking away their liues, or dominions, therefore the *Pope* cannot chastise *Princes*; as though the *inflicting* of spirituall Censures, and the denouncing of *anathema*, which according to Saint *Augustine*, is more horrible then any corporall death, were not to be accounted a chastising of *Princes*. We grant therefore, that the *Pope* may chastise *Princes*, by vsing Ecclesiasticall Censures, which is not denied in the oath, but we viterly deny, that to deprive *Princes* of their dominions, or liues are to be ranked among spirituall, or Ecclesiasticall Censures. Thus I argued in that place from the *first* part of Fa. Parsons letter, all which my fraudulent *Adversary* thought best for his purpose to conceal, and to skip ouer to the other part of the letter, thinking from thence to take some colourable argument to prooue, both that Fa. Parsons did not perswade and draw his Holinesse to the publication of his *Breue*, & also that the inference I made from thence, to

wit

wit, that his *Holinesse* was perswaded, that his authority to inflict Censures is denied in the oath, is, *forsooth*, improbable and impertinent, wherein, as you shall see, he continueth still his ancient fraude, and falsitie.

§ 1 For *first* I did not intend to prooue by *Fa. Parsons* letter, or by his conference with his *Holinesse*, that he vrge and perswaded his *Holinesse* to forbid the taking of the oath; two other reasons I brought here to confirme the same, wich *Mr. Fitzherbert* after his vsuall manner concealeth: the *one*, that some *Iesuites* heere in *England* did freely confesse the same; the *other*, that no man who knoweth, how our *English* affaires were carried at *Rome* in *Fa. Parsons* time can make any doubt thereof: To which may be added two other; the *first*, that *Mr. Nicholas Fitzherbert*, whose letter is yet to be seene, did send word to a friend of his, that *Fa. Parsons* laboured much to haue the oath forbidden: the *second*, that the *Prinncipall* of the *Iesuites* at that time, who is yet living, did boast to diuers persons, that he would cause to be reuerfed, what *Mr. Blackewell*, then *Arch-Priest* had concluded concerning the lawfulnessse of the oath, and would procure a *Breue* from his *Holinesse*, to forbid all *Catholikes* to take the oath, and which with very great expedition, as I signified in my *Epistle Dedicatory* to his *Holinesse*, was accordingly performed, all which are to any man of iudgement very probable coniectures, if not morall certainties, that *Fa. Parsons* did vrge and sollicite his *Holinesse* to send hither his *Breues* against the taking of the oath. But howsoever it be, it is not much materiall to my *second* answer or reason, which is, that his *Holinesse* was misinformed by *Cardinall Bellarmine*, and other *Diuines* of *Rome*, that his power to excommunicate and to inflict Censures, and consequently his spirituall supremacy is plainly denied in the oath, whether *Fa. Parsons* did vrge and incite his *Holinesse* to forbid the oath, or no.

§ 2 Besides, for the confirmation of my *second* answer, those words of the *Breue*, for that it containeth many things, which are manifestly repugnant to faith and saluation, and also his *Holinesse* answer to *Fa. Parsons*, that he could not hold them for *Catholikes*, who seemed to incline to the taking of the oath, are very considerable, for that before these our miserable times, wherein so many new fangled *Doctours* are ready to coyne new articles of faith, and to taxe with such facilitie, their *Catholike* brethren of error and heresie, that will not forthwith approoue their nouelties, it was neuer in the Church of God accounted an *heresie*, to deny the *Popes* authority to depose *Princes*, or to inflict temporall punishments, neither hath any *Catholike* Author, who writeth of heresies, or *Cardinall Bellarmine* himselfe relating the errors of *Marcellus* of *Padua*, ranked him among heretickes, for denying the *Popes* power to depose *Princes*: And very many *Catholike* *Doctours*, with *la-*

Suarez l. 6. c. 1.

cobus Almaine, who haue not therefore beene branded by any man with any note of heresie or errour, doe resolutely affirme, *that the authority of the Church doth not extend, by the institution of Christ, to the inflicting of temporall punishments, as death, exile, imprisonment, priuation of goods, much lesse of kingdomes, but onely of spirituall Censures.* And *Fa. Suarez* himselfe dare not auouch, that the Popes spirituall authority is plainly, and manifestly, but onely covertly denied in the oath: and this also he gathereth from many farre fetcht consequences, all which I haue cleerely answered in my *Appendix* against him: And therefore, from the aforesaid words of his *Holineesse*, that hee could not take those *Priests for Catholikes*, that inclined to the taking of the oath, it may very probably be included, that he was fully perswaded, that not onely his authority to depose *Princes*, but also his power to excommunicate, and to binde and loose in generall, as *Cardinall Bellarmine*, and the other *Diuiues of Rome* then conceiued, is plainly denied in the Oath.

53 Secondly, whereas *M^r. Fitzherbert* affirmeth, that hee can testifie vpon his owne knowledge, that *Fa. Parsons* was so farre from perswading, or drawing his *Holineesse* to the resolution, which hee tooke concerning the publication of his Breue, that he sought to induce him to some other course, propounding means of mitigation, &c. I will not now contend about the thing it selfe, which he testifieth; for that this may very well be true, that *Fa. Parsons* did seeke to perswade and induce his *Holineesse* to that course of mitigation, which *M. Fitzherbert* mentioneth, to wit, not to proceed with Censures against his *Maiesty* (to which course *Fa. Parsons* might imagine his *Holineesse* to haue at that time some inclination, in regard both of the new oath, then established by his *Maiestie*, and the *Parliament*, which doth so much derogate from the pretended authority, which the *Bishops of Rome*, since the time of *Pope Gregory* the seuenth, doe challenge over temporall *Princes*, to depriue them of their Princely authority, and to absolue their subiects from their temporall allegiance, and also of the seuerall lawes which were then newly enacted against *Catholikes*, vpon occasion of that horrible Gun-powder conspiracy plotted onely by *Catholikes*) and yet withall it may also be true (as onely by the way I did affirme, and by many probable coniectures sufficiently confirme) that *Fa. Parsons* did also induce and moue his *Holineesse* to the publication of his Breue against the taking of the oath, for that betwixt these two, there is no repugnance at all: and whether hee did or no, it is not much materiall to my second answer or reason, which *M. Fitzherbert* tooke vpon him to impugn.

54 Neuertheles concerning *M^r. Fitzherberts* testification vpon his own knowledge, I must tell him in plaine words, that I can giue no credit to his testimonie, albeit he should confirme it by solemne Oath, vnlesse I could

I could be morally certaine, that he vseth heerein no equiuocation, or mentall reseruatiō, whereof I can hardly be assured, considering especially his owne particular practise of equiuocation or mentall reseruatiō in the time of Pope *Clement* the eight in slandering, and traducing so falsly and shamefully those *four* Reuerend Appellant Priests, for Schismatikes, Spies, Rebels and disobedient persons to the *Sea Apostolicke* &c. notwithstanding they being present them at *Rome* to craue iustice, and to make manifest their oppression and innocencie, and also in giuing testimonie to his *Holinesse* vpon his Oath, that those *English* bookes, which *Fa. Parsons* had deliuered to the *Inquisition* with diuers propolitions therein contained, shewing them to be heretical, erroneous &c. were truly translated, wherein how fowly he, and *Fa. Parsons* with diuers other their adherents did equiuocate to defend *Fa. Parsons* credit, not onely his owne conscience, but diuers other persons yet liuing can be a sufficient witnesse: and considering also the common doctrine and practise of many of his *Societie*, not onely touching equiuocation, but also mentall reseruatiō, which in very deede is flatly lying, grounded vpon that Chimericall, and not intelligible vnion, mixtion, and composition, or rather meere fiction of thoughts and words in one true mixt, and compound or rather faigned propolition: This I say being considered (to omit now diuers other scandalous, and pernicious positions and practises to this purpose, which some of them especially of our *English* Nation doe maintaine, and whereof I will hereafter if they vrge me thereunto more particularly treat) I can giue no credit to any thing that *M^r. Fitzherbert* shall testifie vpon his owne knowledge, vnlesse by some other meanes I shall finde it to be true.

55 Now you shall see, what *M^r. Fitzherbert* obserueth out of his owne testimonie concerning *Fa. Parsons* conference with his *Holinesse* to taxe me of improbabilitie and impertinencie. This bring so, saith he, *I cannot omit vpon this occasion to desire thee, good Reader, to note the improbable and impertinent inference, which Widdrington maketh vpon this answer of his Holinesse: for he inserteth thereupon that his Holinesse did condemne the Oath by his Breues, and held them for no Catholikes who inclined to take it, because he was perswaded that his authoritie to proceed with Censures against the King, and consequently his spiritmall authoritie was denied thereby; and then he concludeth, that if his Holinesse was moued to condemne it for that cause by the instigation of Cardinall Bellarmine, Fa. Parsons, and those seuen or eight Diuines (mentioned in the letter abovesaid) Nimis pro dolor, saith he, manifestum est &c. it is alas too manifest, that his Holinesse was deluded, to the great ignominie of the Sea Apostolicke, the grievous scandal of Protestants, and the vtter temporall ruine of very many Catholikes. So Widdrington.*

c Pag. 217.

Dispu Theol.
cap. 10. sec. 2. nu.
57.

Ibid. nu. 58.

66. But I also must desire the Reader to note the egregious fraud,
and

and falshood of this man. For I did not there inferre from the answer of his *Holineſſe*, as Mr. *Fitzherbert* vntruly affirmeth, that his *Holineſſe* did condemne the Oath by his *Breues*, and held them for no Catholikes who inclined to take the Oath, because he was perswaded, that his authoritie to proceede with Censures against the King, and consequently his spirituall authority was denied thereby: but I made this inference first from the doctrine of Cardinal *Bellarmino*, for that he was of opinion, from which the *Divines* of Rome, and consequently neither his *Holineſſe* did dissent, that the *Popes* power to excommunicate, and inflict Censures, his power to binde and loose in generall, and consequently his spirituall Supremacie is plainly denied in the Oath: and secondly, from the first part of Fa. *Parsons* letter concerning the consultation of the *Divines* of Rome had touching the Oath; for that the *Divines* of Rome did also suppose, as I prooued in that place, that the *Popes* power to chastice in generall, and consequently his power to chastice by spirituall Censures is denied in the Oath: So that I made there no inference from his *Holineſſe* answer to Fa. *Parsons*, but I onely made an explication of the said answer, from the aforesaid inferences, shewing from them the cause and reason, why his *Holineſſe* thought them to be no Catholikes who inclined to take the Oath, for that he was perswaded by the aduise of Cardinal *Bellarmino* and the other *Divines* of Rome, that his power to excommunicate and to chastice Princes by Ecclesiasticall Censures is plainly denied in the Oath. And therefore Mr. *Fitzherbert* to concale his fraude, omitteth to set downe my expresse words, and the first part of Fa. *Parsons* letter, and what I inferred from thence.

57 Wherefore from the discourse, which there I made, and which
 cc Mr. *Fitzherbert* doth fraudulently concale, I concluded, that Car-
 cc dinal *Bellarmino*, Fa. *Parsons*, & the other *Divines* of Rome vsing such
 cc sophisticall inferences (to wit, that because we must sweare, that
 notwithstanding any sentence of Excommunication made or to be made
 against his Maieſtie, we will beare faith and true allegiance to his Ma-
 ieſtie &c. therefore the *Popes* power to Excommunicate Kings is denied
 in the Oath; and because the *Popes* power to punish Kings by deposing
 them, and by absolving their subiects from their allegiance, is denied
 in the Oath, therefore the *Popes* power to punish Kings in gene-
 cc rall, and to binde and loose in generall is denied in the Oath)
 cc vsing I say such sophisticall inferences to procue, that in the
 cc Oath, are contained many things flat contrary to faith and salua-
 cc tion, were very grossely mistaken. And if his *Holineſſe* trusting
 cc to the learning and honestie of these men was moued to condemne
 cc the Oath for that cause by the instigation of them (as by all proba-
 ble coniectures or rather by morall certainties he was, as I conuinced
 before)

« before) it is, alas, too too manifest, that he was deluded to the great ignominie of the Sea Apostolike, the grievous scandal of Protestants, and to the viter temporall ruine of very many Catholikes.

58 Now you shall see how childishly Mr. Fitzherbert cavilleth at that word [if] as though now at last I made a doubt, and durst not absolutely auerre, that his Holinesse was moued by the instigation of Cardinall Bellarmine, and the other Divines of Rome to condemne the Oath for the aforesaid causes. *Wherein I wish to be noted, saith he, f first upon what a weake ground Widdrington reiecteth the Popes Breues, seeing that he relyeth onely upon his bare opinion, that the Pope was ill informed and deluded by others, which he labourerth seriously & to perswade his Reader to bee very probable, although it is so coniecturall, and uncertaine, that he is faine to conclude, all as you heard h with a if, or a peradventure: so as if the Pope was not moued unto it by the instigation of those whom he nameth, he concludeth, or prooueth nothing but his owne impudencie and temeritie in opposing his idle conceipt and fantasie against the Popes serious and solemne testimony, protesting in his second Breue (as you haue heard) that he forbade the Oath upon his owne certaine knowledge, motion, and will after long and graue deliberation; and therefore I remit to the prudence, and good conscience of any sincere Catholike, whether he will beleue in this case this mans vaine coniecture, or the solemne protestation of his Holinesse.*

f Pag. 27.
nu. 11.

g Ibid. nu. 51.
52. & 57.

h Nu. 58.

59 But in very deed I am ashamed that Mr. Fitzherbert should still so shamefully bewray his egregious fraude and ignorance. For it is euident that I made no doubt, but expressly, and without a peradventure affirmed, that it is very probable yea and morally certaine in my iudgement, that his Holinesse vnderstood the words of the Oath in that sense, wherein the Divines of Rome, and especially Cardinall Bellarmine &c. did conceive them; and that Cardinall Bellarmine who wrote in defence of his Breues, did conceive them in this sense, that the Popes Primacie in spiritualli, his power to excommunicate, to binde and loose, and to dispence in Oathes, are denied in the Oath: And therefore euery Schoole-boy may perceiue, that those words [And if his Holinesse &c.] which are a conclusion of the former words, and therefore must haue relation thereunto, are not to be vnderstood in this sense, as my Adversarie doth childishly glasse them, to wit, And if his Holinesse was moued &c. as peradventure he was, but as it is very probable yea and morally certaine he was, as I said before. For what man can with any reason imagine, that Cardinall Bellarmine in the vnderstanding of the Oath did dissent from the opinion of the Divines of Rome, who consulted thereon, or that his Holinesse did dissent therein from the opinion of them both? And therefore this is no idle conceipt, or fantasie of mine to conceiue so of his Holinesse, but a manifest truth, and morall certaintie, and to conceiue other wise of his Holinesse, to wit, that he followed not herein the aduise of his learned

Divine,

Divines, and vnderstood not the words of the Oath in that sense, as they after their long consultation did vnderstand them, were rather to taxe his *Holineffe* of imprudence and temeritie.

60 And if the conceipt of mine be so idle, and coniecturall, and vncertaine, as this fraudulent man would seeme to make it, why doth not he in plaine words denie the same, and say that his *Holineffe* did not vnderstand the words of the Oath in that sense, wherein Card. *Bellarmino*, and the other *Divines* of *Rome* did conceiue them: but childishly would make his *Reader* beleeeue, that I my selfe grant it to be very coniecturall and vncertaine, by concluding my *second answer* with an *if*? whereas it is euident, that I said plainely it was *was morally certaine*, and therefore that [*if*] to be referred thereunto, and so haue this sense, if it be true, or morally certaine, as true it is, that his *Holineffe* was moued &c. Or why did he not answer the arguments which I brought to prooue, that it was *morally certaine*, but passeth them ouer, as you haue seene with fraude and silence? And when you, Mr. *Fitzherbert*, in your *Supplement* vnderstood the Oath to denie the *Popes* power to *excommunicate* and depriue *Princes*, and in respect of these *two* points tooke vpon you to proue the Oath to be against all lawes humane and diuine, although now your silence touching *excommunication* sheweth your former courage to be quailed, can any man imagine, but that you being then at *Rome* vnderstood those words of the Oath [*notwithstanding any sentence of excommunication &c.*] in that sence wherein Cardinall *Bellarmino*, and the other *Divines* of *Rome*, who consulted thereon, did conceiue them?

61 All which being considered, you may take the impudency and temeritie, which you would lay vpon me, to your selfe, and freely confesse, that it is an idle, impudent, and temerarious conceipt and fantasie for any man to beleeeue, that his *Holineffe* did not vnderstand the words of the oath in that sense, wherein Cardinall *Bellarmino*, and his other learned *Divines* did conceiue them, and thereupon was moued to forbid the oath. Neither is this against the *Popes* serious and solemne testimony, *protesting* in his *second Breue*, that hee forbade the oath vpon his owne certaine knowledge, motion and will, after long and graue deliberation, for these words, as I shewed before, doe not signifie, that he forbade the oath, without the aduice and counsell of his learned *Divines*, for the words, after long and graue deliberation, doe rather signifie the plaine contrary, but by them it is onely signified, that his *Breue* was not surreptitious and counterfeit, and made without his priuie or knowledge. And therefore M. *Fitzherbert*, vrging those words of his *Holineffe*, which doe onely signifie, that his *Breue* was not false and counterfeit, and made without his knowledge, to prooue, that he did not vnderstand the words of the oath in that sense, as Cardinall *Bellarmino*, and the other *Divines* of *Rome* did conceiue them, and thereupon

thereupon was mooued to send hither his *Breues*, for the forbidding of the oath, sheweth himselfe to be both childish and malicious, and to want both prudence and conscience, in taxing me of impudency and temerity, for affirming that, which no man of iudgement, and without great irreuerence to his *Holinesse* can deny.

62 Now therefore M. *Fitzberbert*, will for Disputation sake admit, that the Pope was deluded, and falsely perswaded by others, that his spirituall power to inflict Censures is impugned by the oath, and will shew withall, that I gaine nothing thereby for the iustification of the Oath, and for the disproofof his *Holinesse* Breues. Secondly, saith hee, *although wee should admit, that the Pope was deluded, and falsely perswaded by others, that his spirituall power to inflict Censures is impugned by the Oath, yet Widdrington gaineth nothing thereby for the iustification of the Oath, and the disproofof his Holinesse Breues; and this I say for two reasons, the one because it doth not follow upon the answere of his Holinesse to Fa. Parsons, that he forbade the Oath, for that cause (as any man may easily see who list to examine it :) the other reason is, for that the Oath is forbidden in the Breue expressly, because it contained many things contrarie to faith, and the saluation of soules, whereby it is euident, that albeit his Holinesse had bene falsely perswaded, that his spirituall authoritie was impugned by the Oath, yet the prohibition of the said Oath in his Breue might bee iust, as being grounded upon other respects, seeing that the Breue declareth it to be vnlawfull for many causes, and doeth not mention this for any of them.*

63 Yes Mr. *Fitzberbert* I gaine much thereby for the iustification of the Oath, and the disproofof his *Holinesse* Breues, for seeing that, as you your selfe confesse, the Oath is vnlawfull and condemned by the *Breues*, as containing in it many things flat contrarie to faith and saluation, in respect of two principall points, to wit, the exemption of temporall Princes from the Popes power to excommunicate, and depose them; if you admit, as needes you must and doe, that his *Holinesse* was deluded, and falsely perswaded by others, that his power to excommunicate, and to inflict Censures is denied in the Oath, you can giue no sufficient reason, why his *Holinesse* might not also be misinformed by them of the later, and be falsely perswaded by them, that his power to depose *Princes*, to dispose of their Kingdomes, and to absolute their subjects from their temporall allegiance, which is indeede expressly denied in the Oath, is a point of faith, and the contrary doctrine hereticall: yea it is as morally certaine, that his *Holinesse* was misinformed by them of this second point, & of all the clauses of the Oath, which are pretended to be flat contrary to faith and saluation, as he was misinformed by them of the former point: and so you may see the weakenesse of your second reason.

64 And

64 And as for your first reason, I cannot see what coherence at all it hath with that whereof you alledge it to bee a reason. For what connexion, or coherence, I pray you, is there betwixt this your assertion, that *though you should admit, that the Pope was deluded, and falsely perswaded by others, that his spirituall power to inflict Censures is denied by the Oath, yet Widdrington should gaine nothing thereby, for the iustification of the Oath, and the disproove of his Holinesse Breues, and this assertion, which you alledge as a reason of the former, that it doth not follow upon the answeres of his Holinesse to Fa. Parsons, that he forbade the Oath for that cause.* For who would not thinke that man not well to know what he spake, that should argue thus: It doth not follow upon the answer of his Holinesse to Fa. Parsons, that he forbade the Oath, for that hee was deluded, and falsely perswaded by others, that his spirituall power to inflict Censures is impugned by the Oath, therefore though we should admit, that the Pope was deluded, and falsely perswaded by others, that his spirituall power to inflict Censures, is impugned by the Oath, yet my *Adversary* gaineth nothing thereby, for the iustification of the Oath, and the disproove of his Holinesse Breues. For besides that, I did not say in that place, that from the answer of his Holinesse to Fa. Parsons, it followeth, that hee forbade the Oath, for that cause, but I said indeed, that from the first part of Fa. Parsons letter, touching the consultation of the Diuines of Rome about the Oath, and the doctrine of Cardinall Bellarmine, from whom the Diuines of Rome did not dissent, who teacheth that the Popes power to excommunicate *even heretical kings, is plainly denied in the oath*, it followeth that his Holinesse forbade the Oath for that cause: Neuerthelesse it is euident, that albeit we abstract wholly from Fa. Parsons letter; if my *Adversary* once admit, as he doth, that his Holinesse was deluded and misinformed by others concerning this so manifest point, he can giue no reason why he might not also bee deluded and misinformed by others concerning the other points which are pretended to be in the Oath, flat contrary to faith and saluation, and so by this my *Adversaries* grant, I gaine much for the iustification of the Oath, and the disproove of his Holinesse Breues, to wit, that they were grounded upon false informations, either that his spirituall power to *inflict Censures* is denied in the Oath, which is very vntrue, or that his power to *depose Princes* is a point of faith, and the contrary *hereticall* which also is manifestly false, as I have sufficiently conuincd in this *Treatise*.

65 And hereby that which Mr. Fitzherbert immediately addeth, is easily answered, *Besides that*, saith he, ^k *the answer of his Holinesse to Fa. Parsons concerning the authority of the Sea Apostolike in such affaires (for so were the words of Fa. Parsons letter) did not exclude the deposition of Princes from his spirituall authority, but necessarily include it, because*

cause his said answer was to be understood, secundum subiectam materiam, that is to say, according to the meaning and drift of the Oath, which was the speciall subiect of that Conference, and therefore, forasmuch as the Popes power to depose Princes, and to discharge subiects of their allegiance, is directly denied by the Oath, and that the same is neuer effected, or performed, but by vertue of some Censure of Excommunication, it is manifest, that his Holinesse, answering a demaund concerning the Oath, and speaking of the authoritie of the Sea Apostolike in such affaires, included therein his power aswell to depose, as to excommunicate Princes, especially knowing well, as he did, that the Oath denying his power to depose Princes, doth by a necessary consequent deny his spiritual authority, which includeth that power, as I haue sufficiently declared and prooued in this Treatise¹.

66 You haue heard before, that the words which his Holinesse vsed to Fa. Parsons, were, that as for any actuall vsing Censures against his Maiestie he meant not, but as for the authority of the Sea Apostolike, in such affaires (which last words, in such affaires, are now added by Mr. Fitzherbert) he was resolu'd, and would rather lose his head, then lose one iota. Now my Adversary laboureth to shew, that by those words, but as for the authority of the Sea Apostolike in such affaires, his Holinesse meant to include not onely the authority to vse Censures, which onely were mentioned in the words next going before, and to which onely any man, according to the property of the words, would restrain them, but also to depose them, which is not much materiall to the present purpose: for be it so, that his Holinesse speaking of the authority of the Sea Apostolike in such affaires, included his power, as well to depose, as to excommunicate Princes, it is nothing to the matter; for that which I intend is, that his Holinesse was by Cardinall Bellarmine, and the other Divines, who consulted of the Oath, not onely misinformed, that his power to excommunicate and to inflict Censures, is plainly denied in the Oath, but also that his power to depose Princes, is a point of faith, and necessarily included in his spirituall authority, which is verie vntrue, as in this Treatise I haue sufficiently declared and prooued.

67 But that also which M. Fitzherbert addeth for a confirmation of his saying, to-wit, that the Popes power to depose Princes, and to discharge subiects from their allegiance, is neuer effected or performed, but by vertue of some censure of Excommunication, is both false, and also repugnant to the grounds of Cardinall Bellarmine. For Childericke King of France, which example Cardinall Bellarmine bringeth for a prooffe, that the Pope hath power to depose Princes, was deposed, and his subiects discharged of their allegiance, and not by vertue of any Censure of Excommunication. And it is one thing, saith Becanus, to excommu-

Becanus in c.
vrou. Anglie. c.
3. v. 2. pag. 108.
ibid.

I Chap. 2. p. 400
etiam Item
chap. 5. & 6.

ther is the one necessarily connexed with the other. Many Kings and Emperours haue beere excommunicated, and not therefore deposed, and contrariwise many deposed, and not therefore excommunicated. And yet my ignorant Adversary, to patch vp this silly answere of his, doth now agreeable to his learning boldly affirme, that the Popes power to depose Princes, and to discharge subiects of their allegiance, is neuer effected or performed, but by vertue of some Censure of Excommunication; whereas I haue sufficiently prooued aboue, out of the doctrine of Suarez, & Becanus, and from the definition of excommunication, that deposition is not an effect of Excommunication, & that therefore although they are sometimes ioyned together, and that some Princes haue beene both excommunicated and deposed by the Pope, yet they were not deposed by vertue of the Censure of Excommunication, for that, as his Maiestie did wel obserue, Excommunication being only a spirituall Censure hath not vertue to worke this temporall effect.

m Chap. 1. nu.
21. & seq. &
chap. 5. sec. 2.
131. & seq.

n In his Pre-
monition. p. 9.

o p. 129. nu. 14

68 Now you shall see how vncharitably, and also vnlearnedly this ignorant man concludeth this point. *Wherupon it followeth, saith hee, that albeit his Holinesse had beene perswaded by Cardinall Bellarmine, Fa. Parsons, and others (as doubtlesse he was, although this man would seeme to deny the same) that the Oath denying the Popes power to depose Princes, impugned his spirituall authority, he had not beene deluded or deceined therein, nor had erred in the reason why hee forbade the Oath, though he had forbidden it for that cause onely, as it is euident by the Breue he did not, but for many respects. And therefore thou seest, good Reader, what probable exceptions this silly, sicke, and scabbed sheepe taketh to the iudgement and sentence of his supream Pastour, and what account hee maketh of his Apostolicall authoritie, and consequently what a good Catholike hee is.*

69 But if Mr. Fitzherbert meane, that the Oath denying the Popes power to depose Princes and to discharge subiects of their allegiance impugneth his spirituall authoritie to excommunicate Princes, and to inflict spirituall Censures, as needes hee must if hee will speake to the purpose, for that all his former discourse hath beene to impugn my second answere to his Holinesse Breues, which was, that hee was misinformed by Cardinall Bellarmine, and the other Diuines of Rome, that his power to excommunicate Princes and to inflict spirituall Censures is denied in the Oath, then I say that his Holinesse was fowly deluded and deceined in that reason why hee forbade the Oath as containing in it many things flat contrarie to faith and saluation, although hee did not forbid it for that cause only: But if his meaning be, that the Oath denying the Popes power to depose Princes, (for to these two generall heads and to all that which doth necessarily follow thereon, both this man and all my other Ad-

uersaries

Adversaries doe chiefly reduce all their exceptions against the Oath, and if for any other respects his *Holineſſe* forbade the Oath, let my *Adversarie* name them and hee shall heare what wee will say thereunto) impugneth his spirituall authoritie, for that it is a point of faith that the *Pope* hath power to depose absolute Princes, to dispose of their temporalls, to inflict temporall punishments, and to discharge subiects of their temporall allegiance, and which consequently are included in his spirituall power, then I also say, that his *Holineſſe* was deluded, deceived, and erred also in this reason, why hee forbade the Oath as containing in it many things flat contrarie to faith and saluation, for that it is no point of faith, that the *Pope* hath power to depose *Princes*, to inflict temporall punishments, &c. but the contrarie hath euer bene maintained by learned Catholikes.

70 Neither was *Almaine* (a famous Doctour of *Paris*) and those very many Doctours related by him, or any other of those learned Authors, whom partly I cited in my Apologie, ^P and partly aboue in this Treatise, ^q euer accounted bad Catholikes, or silly, sicke, and scabbed sheepe: Neither can *Card. Bellarmine*, euen according to his owne grounds, (as I haue shewed before) and in his owne conscience, (whereunto I dare appeale heerein,) affirme that the *Decree*, or rather *Act* of the *Lateran* Councell, whereon all my *Adversaries* doe now at last chiefly rely, to proue their doctrine of deposing to be of faith, although it should haue mentioned, as it doeth not mention absolute *Princes*, is sufficient to make it certaine and of faith. And therefore this ignorant and vnconscionable man calling mee a silly, sicke and scabbed sheepe, and no good Catholike, for not beleeuing this doctrine to be certaine and of faith, which so many learned Catholike Doctours haue euer maintained to be false, and for not admitting his *Holineſſe* declaratiue precept which is grounded thereon, and consequently hath no greater force to binde according to *Suarez* doctrine, then hath the reason whereon it is grounded, sheweth himselfe to haue neither learning nor charitie, but a vehement desire to disgrace mee with Catholikes, and to take away my good name *per fas & nefas*, whether it be by right or wrong, as all the rest of his vncharitable and fraudulent discourse doeth plainly conuince.

71 To this purpose, saith hee, ^r it is to be noted how peremptorily and arrogantly hee writeth to his *Holineſſe*, saying, that if hee condemne his bookes or writings as hereticall or erroneous (vpon the false informations of his *Adversaries*) hee leaueth it to the iudgement of his *Holineſſe*, and all the Christian world, how great an iniurie hee shall doe him, and what a great occasion hee shall giue thereby to the *Adversaries* to Catholike veritie. So Widdrington. Wherein you see, hee doth not promise his *Holineſſe* to retract or reforme his writings and doctrine

^P no. 4. & seq.
^q Part. 1.

^r Pag. 219. m. 15. 16.

Disp. Theol.
cap. 3. m. 8. &
cap. 10. m. 23.

in case that hee doe condemne them, but anticipateth the iudgement of his Holinesse with a protestation of wrong, and of occasion of great scandall, insinuating also further that the whole Christian world will iustifie him therein, in which respectt hee confidently leaureth his cause to the iudgement thereof, meaning by the Christian world (as may well bee coniectured) some generall Councell whereto he meaneth to appeale; and therefore he teacheth afterwards that it is a probable opinion, that the Pope may erre in any definition of his, if it bee not approoued by a generall Councell: so as he sheweth evidently what starting hole he hath found already to escape away from the Censures of the Sea Apostolike, to wit, by appealing from the Pope to a generall Councell, as that miserable man his fellow Sheldon did & all Apostates and heretikes are wont to doe at their first breach, and disunion from the Church.

Azorius tom. 2
l. 12. cap. 5. q. 8.

72 Heere Mr. Fitzherbert to confirme his rash and vncharitable iudgement of mee, that I am no good Catholike, but an heretike disguised, and masked vnder the vizard of a Catholike, taxeth mee of diuers things, wherein also hee plainly discovereth his great want both of learning and charitie. For first no man of iudgement can deny, but that the aforesaide conditionall words, which I vsed to his Holinesse, are very true, to wit, that if hee should condemne my bookes as hereticall or erroneous, which doe sincerely handle this dangerous, difficult, and great controuersie, which euer hath bene, saith Fa. Azor, betwixt the Bishops of Rome on the one side, and Emperours, and Kings on the other touching the Popes power to deprive them of their kingdomes, vpon the false informations of my *Aduersaries*, he should both greatly wrong me & also giue occasio of great scandall to the *Aduersaries* of the Catholike faith. Now seeing that, as I there signified, I haue clearly convinced, that my *Aduersaries*, and especially Card. Bell. masked vnder the name of D. Schulkenius, hath most shamefully corrupted my words, misconstrued my meaning, and slanderously accused mee of error and heresie, what shew of arrogancie can any prudent man imagine it to bee, to signifie to his Holinesse with humble and decent words, and especially in the defence of my innocencie the plaine and manifest trueth, and to request his Holinesse not to be misled in a matter of such importance by the bad informations of my *Aduersaries*, nor to trust ouermuch to their learning and conscience in this case, wherein they haue so fowly abused mee, and deluded also his Holinesse, and withall to admonish or forewarne him, that if he should bee thus misled, all the Christian world would plainly see, that it would bee both an infinite wrong to mee, and an occasion of great scandall to the *Aduersaries* of the Catholike Religion?

73 Secondly, Mr. Fitzherberts interpretation of those my words [I leaue to the iudgement of all the Christian world] to wit, that by the Christian world, I vnderstand some generall Councell whereto I

meant

meant to appeale, is a very false, and slanderous coniecture. For albeit I am indeede of opinion, and I thinke that no man of learning, reading, or iudgement can in his heart bee of the contrarie, whatsoeuer in outward shew, to speake perchance *ad Placebo*, or for other respects hee may pretend, that it is neither heresie, errour, or reueritie, but a doctrine truely probable, that the *Pope* may erre in his definitions if hee define without a generall Councell, and that a generall Councell is aboue a true and vndoubted *Pope*, yet by *all the Christian world* I did not vnderstand any generall Councell, neither by those words did I meane, as *God* is my witnesse, to appeale to a generall Councell, if the *Pope* vpon the false informations of my *Aduersaries* should condemne my bookes, knowing it to bee in vaine for the redresse of any present iniurie to appeale to that which is not, and *God* knoweth when it will be: although if the Councell were actually assembled, I account it no arrogancie for any man, that is wronged by his *Holinesse* vpon the false suggestions, and informations of his potent *Aduersaries*, to appeale thereunto: But by *all the Christian world* I vnderstood all Christian men whatsoeuer, whether *Clerkes*, or *Laikes*, *Princes*, or *subiects*, *Prelates*, or *private men*, *friends*, or *foes*, and my only meaning was, that those words which I spake to his *Holinesse* with the afore said condition, are so plainly and evidently true, that I durst therein appeale to the iudgment and conscience of any Christian man whatsoeuer, yea and of my learned *Aduersaries* themselves.

74 But I doe not *promise* his *Holinesse*, saith M^r. *Fitzherbert*, to *retract and reforme my writings in case that hee condemne them*, but I *anticipate the iudgement of his Holinesse with a protestation of wrong and of occasion of great scandall*. True it is, that I did declare to his *Holinesse*, and admonish him in that place, (but not *anticipate* his iudgement) how shamefully *Cardinall Bellarmine* had wronged mee in his publike writings, most falsly accusing mee of errour and heresie, and vpon what weak and sophistical grounds hee laboured to coine a new article of faith in a matter, which so meere concerneth our obedience due to *God* and *Cesar*, humbly requesting his *Holinesse*, that he would not giue credit to the false informations of my *Aduersaries*, and especiall of *Cardinall Bellarmine*, nor be ouer confident in his learning or conscience, but that hee would bee pleased to examine the whole cause himselfe, and not to giue iudgement against mee, or censure my bookes vpon the false reports of my accusers and aduersaries, otherwise the whole world would plainly see what great wrong is done to me, and what great occasion of scandall would thereby arise to the *Aduersaries* of the Catholike faith and Religion. Now what indifferent man that will speake without partialtie, can iustly accuse him as arrogant, presumptuous, or to anticipate the sentence of the *Iudge*, who

being falsely accused of most heinous crimes, by one who is both his accuser, and witness against him, and also greatly favoured and esteemed by the *Judge*, doth in defence of his innocency plainly and modestly declare in particular to the *Judge* how fowly and shamefully he is slandered, desiring him not to give sentence against him upon such false informations, but that he will vouchsafe to examine the cause himselfe, and not to be over confident in the testimonie and conscience of his accuser, who is both in great fauour with the *Judge*, and also is brought as a witness against him, otherwise all the standers by will perceive what manifest wrong is done him, and hee will give his *Adversaries* great occasion to except and exclaime against him. And this is my very case as you have seene before.

75 And whereas Mr. *Fitzherbert* objecteth, that *I doe not promise to his Holinesse to retract, or reforme my writings in case that he condemne them*, to which hee might also have added, that his Holinesse hath now condemned, or rather forbidden some of my writings, and I have not as yet retracted or reformed them: I answer, *first*, that I know not well what this silly man would conclude from hence, vnlesse he would make his *Reader* belieue that I am obstinate in my doctrine, which the ignorant man calleth an heresie, and that I doe still maintaine that it is a probable doctrine, and consequently may be maintained by any *Catholike*, that the Pope hath not authority to depose temporall *Princes*, and that therefore *I am no Catholike, but a formall heretike, disguised and masked under the vizard of a Catholike, and that all my pretences to bee a Catholike, doe procede from no other ground, but from a deepe dissimulation, or rather an artificall and execrable hypocrisie to delude and deceiue Catholikes*: And this is the chiefe marke at which this rash-headed and vncharitable man aimeth at in this *Chapter*, whereby hee plainly discovereth both the bitterness of his intemperate spleene little befeeming the spirit of a *religious Priest*, and also that he knoweth not himselfe what is required to be a *Catholike*, or to haue true *Catholike* faith.

76 *Secondly*, therefore to answer this inference, I doe boldly and resolutely affirme againe, which also I haue sufficiently conuincid in this *Treatise*, that it is a doctrine *truely probable*, that the Pope hath no authority to depose absolute *Princes*, or to discharge their subiects of their temporall allegiance. and therefore it cannot truely bee noted of heresie, error, or temerity, and so the imputation of heresie concerning the doctrine it selfe, is altogether auoided; and the submission of all my writings to the Censure and iudgement of the *Catholike Romane Church*, professing, that *if through ignorance I haue written any thing which she approoueth not, I doe also reprove it, condemne it, and desire it to bee held for not written*, which is a retraction and recalling in generall of whatsoeuer I haue written amisse, is sufficient to cleare mee from all

all imputation of obstinacie or wilfulnesse, vntill I bee certified of some particular thing, which requireth a more particular retraction.

77 True it is, that I did not promise to his Holinesse to retract, or reforme my writings and doctrine, in case hee should condemne them vpon the false informations of my *Aduersaries*, for that I was not bound to make any such promise, as you shall more fully see beneath: And now in that manner as the *Cardinals* of the *Inquisition* haue by the commandement of his Holinesse, as the *Decree* mentioneth, forbidden my *Apologie*, and *Theologicall Disputation*, in the same manner I haue retracted, and recalled all that I haue written amisse: for as they haue onely in generall forbidden those bookes not expressing any cause or crime either in particular, or in generall, for which they are forbidden, although I haue most humbly and earnestly requested to know some cause thereof. so also I haue in generall retracted & recalled what I haue written amisse, both by abhorring and detesting all heresie and error in generall, and also by submitting my selfe to the Censure of the *Catholike Romane Church*, and solemnely protesting, to bee most ready to correct what former in my writings is to be corrected, to purge what is to bee purged, to explaine what is to be explained, and to retract what is to bee retracted: which being so, with what face & consciēce can this my ignorant and vncharitable *Aduersary* so confidently affirme, that no zealous *Catholike* can take me for any other then an heretike: disguised and masked vnder the vizard of a *Catholike*, and that all my pretence is to be a *Catholike* doe procede from no other ground but from a deepe dissimulation, or rather an artificall and execrable hypocrisie?

78 But that vnlearned *Catholikes* may not be led blindfold by this ignorant and silly man, who presumeth to be a *Doctour* and Teacher in these difficult points of *Schoole-Diuinitie*, before he hath bene scarce a *Scholler* therein. and that they may haue some sufficient light and directions to discerne vpon what grounds they ought to build their *Catholike* faith, and whether they are bound to belieue with *Catholike* faith all that doctrine to bee faith, which the *Pope* with the *Cardinals* of the *Inquisition*, and his other *Diuines* of *Rome* propoundeth as of faith, and that doctrine to be hereticall or erroneous, which hee with their aduise and counsell condemneth as hereticall or erroneous, I thinke it not amisse to set downe two principall obseruations to direct them therein.

79 The first is, that it is certaine, and agreed vpon by all *Diuines*, that true *Catholike* and supernaturall faith must alwaies bee certaine, and infallible, not onely in respect of the object, or the thing which is to be believed, which must of necessity be true, but chiefly and principally in respect of the reason or *medium*, whereby wee assent

See *Bannes* *secunda secunda*
9.6. ar. 2.

thereunto, for many opinions (which include intrinsically a feare and vncertainty, as true naturall science, and supernaturall faith include intrinsically a certaintie, and exclude all feare, doubt, and vncertainty) are true, and in respect of their obiekt also necessary, but the reason for which we belieue, or giue assent, is that which maketh our true Catholike and supernaturall faith and iudgement to bee infallible, and this reason is the reuelation of *God*, propounded to vs by the *Church*.

Victor. relect.
4. de potest. Pa-
pe & Conc.
proposit. 3.
Bellar. li. 2. de
Conc. cap. 13.

Bellar. ibid. cap.
17.

80. The second is, that it is also certaine, that there is a great controuersie betwixt the *Diuines* of *Rome*, and other learned Catholikes, especially of *Paris*, whether the *Pope* defining and determining any doctrine to bee of faith, and the contrary hereticall without a generall Council may erre or no, and whether the *Pope* be subiect or superiour to a generall Council. Whereupon learned *Vittoria* affirmeth, that both opinions concerning the superiority of the *Pope* or *Councell* are probable, and *Card. Bellarmine* himselfe confesseth, that although in the *Councell* of *Florence*, and in the last *Lateran Council*, the question seemeth to be defined, yet because the *Florentine Council* hath not so expressly defined it, and some make doubt, whether the *Lateran Council*, which hath most expressly defined it, (albeit afterwards he faith, that it is doubtfull whether soe defined is properly as to be held with Catholike faith) was truly a generall Council, therefore vnto this day it remaineth a question euen among Catholikes. And all the world seeth, that the *Diuines* of *Paris* are admitted to Sacraments, which ought not to bee tolerated, if they committed any heresie, error, or temerity, for defending this doctrine, as publike harlots are in some sort permitted at *Rome*, but not suffered to receiue Sacraments so long as they persist in that wicked life.

81. And from hence it euidently followeth first, that it is not certaine and infallible, that the *Pope*, with his *Cardinalls* and *Diuines*, yea and with the particular *Romane Church* defining, determining, or propounding to the whole Church any thing to be beleueed formally, as of faith, without a generall Council, cannot erre and be deceived; and consequently such definitions cannot be certaine and infallible, nor can be an assured ground of Catholike faith, nor a sufficient reason, motive, medium, or cause to beleue any thing by him so defined with Catholike faith; for that the fundamentall reason, medium, cause and motive to beleue any thing with Catholike faith must be certaine and infallible, as I shewed before out of *Bannes*, from whom other *Diuines* doe not dissent herein, and if that reason be vncertaine, doubtfull, or fallible, the faith or beliefe, which is grounded and dependeth thereon, cannot be truly Catholike, and infallible.

82. Secondly, if the *Popes* decrees and definitions in things to be beleueed, as of faith, albeit directed to the whole Church, and in things which doe not concerne his owne particular interest, honour, authority,

city, or prerogative, and wherein therefore there can be no suspicion, that he himselfe is led by affection, or his Counsellors and Divines by flattery to the making of such Decrees, are not certaine and infallible, but may be false, and exposed to error, and consequently can be no sure ground of *Catholike faith*, what iudgement can any sensible man make of such decrees or definitions, which are neither directed to the whole Church, but to particular persons or Churches, nor are propounded as of faith, nor grounded vpon any doctrine which is certaine, and out of controuersie, but onely vpon a question maintained on both sides by learned Catholikes, and which also concerne the Popes owne interest, authority, and prerogative, as are his *Breues* directed to *English Catholikes*, which are neither propounded to the whole Church, nor containe any definition as of faith, but onely a *declaratiue precept*, which is grounded vpon a controuersie, which began in Pope Gregory the seuenth his time, and hath since continued betwixt the *Bishops of Rome*, and *Christian Princes*, concerning the authority which Popes pretend to haue ouer all their temporalls?

83 *Thirdly*, if the Popes Decrees together with the *Romane Church*, by which he declareth, and defineth any doctrine to be of faith, or against faith, may be fallible, and exposed to error, and consequently can be no certaine rule or ground of *Catholike faith*, nor any sufficient reason, cause, or motiue to beleue any thing with *Catholike faith*, so long as this controuersie among Catholikes, concerning the Popes infallibility in his definitions remaineth vndecided, much lesse can a Decree of any *Congregation of Cardinalls* declaring any doctrine to be of faith, or condemning any doctrine as hereticall, erroneous, temerarious, or scandalous, be an assured ground of *Catholike faith*, or a sufficient reason for any man to beleue with *Catholike faith*, that doctrine to be such, as their Decrees doe declare or condemn. Which being so, what iudgement, I pray you, can any reasonable man make of such their Decrees, which condemn no doctrine at all, either in generall or particular, but onely forbid certaine bookes to be read or kept, without declaring for what cause or crime. either in particular, or in generall they are forbidden, and such bookes also as are written against one of the chiefe of their *Congregation*, of which sort is that Decree of the *Cardinalls*, wherein two bookes of mine, written chiefly against Cardinall *Bellarmine* are forbidden, without expressing any cause or crime at all, either in particular or generall why they are forbidden.

84 *Fourthly*, by all this it is euident, what infinite wrong this my ignorant *Aduersary*, (whether onely through blinde and inconsiderate zeale, or also through some passionate spleene taken against me for contradicting his writings, and some others of his *Societie*, I leaue to

God & his own conscience to iudge) hath both done to me in so falsly, and yet vpon such childish grounds, accusing me to be no *Catholike*, but an *hereticke disguised and masked vnder the vizard of a Catholike*, for not admitting the *Popes Breues and declaratiue precept*, grounded at the most vpon an opinion, which learned Catholikes haue euer impugned, and taxing my doctrine of heresie, for that my bookes are forbidden by the *Cardinalls of the Inquisition*, without condemning any position contained in them of any crime, either in particular or generall; and also into what eminent danger he both casteth himselfe headlong, and seeketh also to draw after him vnlearned Catholikes, if they will follow such a blinde guide in waies, which he himselfe, for want of *Scholasticall* learning hath neuer gone, by endeaouring to ouerthrow their *Catholike faith*, and to perswade them to build it vpon fallible grounds, as vpon *Popes Breues*, which neither are directed to the whole Church, nor doe containe any definition or declaration of any particular doctrine, and vpon the *Decrees* of certaine *Cardinalls* condemning bookes onely in generall tearmes, which perchance some of them neuer read, nor for want of sufficient learning doe well vnderstand, but doe relie either vpon the relation or iudgement of other men, to whom the charge of ouerseeing such bookes is committed by them, whereas the grounds of *true Catholike faith*, and the *fundamentall reason*, why a man ought to beleue any thing with *Catholike faith*, must be certaine, infallible, and without all controuersie. And thus you see in what a labyrinth this silly man hath wound himselfe, who seeking to perswade his Reader, that I am no true *Catholike*, but a *disguised and masked hereticke, vnder the name of a Catholike*, for not building my *Catholike faith* vpon vncertaine and fallible grounds, and which are controuersed among learned Catholikes, plainly bewraiet what a sound *Catholike* he himselfe is, and vpon what sure grounds he buildeth his *Catholike faith*, and would haue other Catholikes to build the same, whereas according to the approoued doctrine of all learned Catholikes, vnlesse it be built vpon certaine, vndoubted, and infallible grounds, it cannot be a *true Catholike faith*, but onely an vncertaine and fallible opinion masked vnder the vizard of *Catholike faith*.

85 *Lastly*, that vnlearned Catholikes may walke warily, securely, and without danger, and bee not misled blindfold by this my ignorant *Adversary*, they must carefully obserue the difference betwixt the Church firmly beleeuing, and probably thinking, or, which is all one, betwixt *Catholike faith*, and *opinion*. The first difference is, that the grounds of *Catholike faith* must bee certaine, and infallible, but the grounds of *opinion* are vncertaine and fallible: and therefore although the *Popes* definitions, made with mature deliberation, and graue counsell may be a sufficient ground for *Catholikes*, to thinke with opinion, that

that the doctrine which he defineth ; is true , if they haue no conuincing reasons to perswade them to the contrary , yet they cannot be sufficient for Catholikes , I doe not say , to thinke probably , but to beleue assuredly with *Catholike faith* , the doctrine which he so defineth , without the approbation of a *generall Councell* to be true . The second difference is , that albeit euery Catholike ought to be so firme , and stedfast in his *Catholike beliefe* , that hee must needes beleue the contrary doctrine , not onely to be false *à parte rei* , but also to be improbable , yet he ought not to be so firme , and stedfast in his opinion , as to condemne of heresie , error , or temeritie other learned Catholikes , who hauing duely examined all the reasons and grounds for that opinion , shall thinke against him , or be of the contrary opinion , although he pretend to prooue his doctrine to be true , out of some Decree or definition , euen of a *generall Councell* , which Decree or definition , the other learned Catholikes of the contrary opinion haue seene , examined , and answered thereunto , and this I prooued at large in my *Theologicall Disputation* , out of the expresse doctrine of *Fa. Vasquez* , which my ignorant *Adversary* doth fraudulently conceale , who , as you haue seene , vrgeth against mee certaine arguments , which I there related and answered , and dissembleth wholly the answers , which there I made to the same .

f Cha. 10. sec. 3.

86. Wherefore , although the *Pope* be the *supreme spirituall Pastour* of all the faithfull , and therefore ought to teach and instruct them in the *Catholike faith* , and in all other things which are necessary to saluation , as also euery *Bishop* is a spirituall *Pastour* in his owne *Diocesse* , and therefore ought to teach and instruct all those that are committed to his charge in the Catholike faith , and in all other things necessarie to the health of their soules , because , as *Cardinall Bellarmine* well affirmeth , that which the *Pope* is in the *vniversall Church* is euery *Bishop* in his particular *Diocesse* ; and those words *Pasce oues meas* , *Feed my sheepe* , saith he , and such like , which are spoken to *Saint Peter* , in regard of the *Pastorall office* are understood to be spoken to all *Pastors* : yet as no man is bound to beleue with *Catholike faith* which the *Bishop* of the *Diocesse* doth define or determine to be of faith so long as there is a controuersie among learned Catholikes concerning the certaintie of that doctrine , for that it is certaine and agreed vpon by all Catholikes , that euery particular *Bishop* may erre in his definitions , and consequently they cannot be any assured and infallible grounds of the *Catholike faith* ; So also proportionally no man is bound to beleue with *Catholike faith* any doctrine whereof there is a controuersie among learned Catholikes , albeit the *Pope* without a *generall Councell* shall define it to be of faith , for that it is a controuersie among learned Catholikes , whether the *Pope* defining without a *generall Councell* can erre or no , and consequently

Bell. l. 5. de Rē.
Pont. c. 3.Bell. l. 2. de.
Rom. Pont. c. 12.
in fine Edit.
amiqua.

vntill

untill this controuersie be decided and determined by a generall Councell, or the vniuersall acceptance of the Church as a point of faith, such his definitions can be no assured and infallible grounds of true *Catholike faith*.

87 And if you demand, that seeing the *Pope* is the supreme spirituall Pastour of all the faithfull, and therefore ought to teach them the *Catholike faith*, and direct them in the way to saluation, why are not all Christians bound to heare his voyce, and to embrace all that he shall teach them, and to obey him in all that he shall commaund him? I answer with the like demand, seeing that euery *Bishop* is the spirituall Pastour of all the faithfull within his *Dioecesse*, and therefore ought to teach them the *Catholike faith*, and direct them in the way of saluation, why are not all the faithfull within his *Dioecesse* committed to his charge bound to heare his voyce, and to embrace all that he shall teach them, and to obey him in all that he shall commaund them?

88 But perchance you will say, that the *Pope* is the supreme spirituall Pastour and his commandements are *Apostolicall*, as Mr. Fitzherbert in this *Treatise* often vrgeth against me the authoritie of the supreme spirituall Pastor, & his *Apostolicall Bienes*, and commandement, & therefore there is a great disparitie betwixt the *Pope* and the inferiour *Bishops*. True it is, that there is a great disparitie and difference betwixt the *Pope*, who is the supreme Pastour, and other *Bishops* who are not supreme: but as there is a great disparitie betwixt them, so there is a great difficultie and controuersie among learned Catholikes, in what this disparitie, and this *supremacie* of the *Pope* doth consist; which wereto long to examine at this present, perchance hereafter if my *Adversaries* will vrge me thereunto I shall treat of this disparitie and the *Popes Supremacie* more at large. In the meane time all Catholikes doe agree in this, that the *Popes Supremacie* doth not consist in this, that he cannot command any vnlawfull thing, and contrary to the law of God, or that he cannot teach false doctrine, and contrary to the word of God, or that he cannot exceede the authority, which Christ hath granted him, or that hee cannot challenge to him a power or Iurisdiction as due to him, which Christ hath not given him. Yea and according to the doctrine of many famous and learned Catholikes cited by me elsewhere, the *Popes Supremacie* doth not consist in this, that he cannot erre and bee deceiued in his definitions, albeit they bee directed to the whole Church, if he define without the approbation of a generall Councell, or the acceptance of the vniuersall Church, and consequently such his definitions cannot be certaine and infallible grounds of true *Catholike Faith*.

89 Neyther are his commandements, definitions, or letters called *Apostolicall*, for that they are alwayes conformeto the law of God; and

and to the doctrine of the *Apostles*, neyther is his authority called *Apostolicall*, for that he hath alwayes the assistance of the holy Ghost annexed to his Decrees and doctrine in that manner as the *Apostles* had, but chiefly and principally for that he is the succellour of *S. Peter* the first *Apostle*, and hath authority and iurisdiction ouer all Christians, as the *Apostles*, and principally *S. Peter* had, although not with the like infallibility and continuall assistance of the holy Ghost. And so the parity doth still remaine betwixt the *Pope* and other *Bishops*, notwithstanding his *Primacie*, in that both are *Pastours*, and therefore are bound by their pastorall function to feede their sheepe, to instruct them in the Catholike faith, and to direct them in the way to saluation, and yet their sheepe are not alwaies bound to heare and follow their voyce or call, to beleeue with *Catholike faith* all their doctrine, or to obey all their commandements, for that their definitions are not certaine and infallible, neither are they alwaies so assisted by the holy Ghost, that they cannot command vnlawfull things, So that albeit the *Pope* be our *supreme* spirituall Pastour, Superiour and Iudge, yet wee are not bound to obey him but in lawfull things, and to which his authoritie doth extend.

90 And if you aske againe, to whom shall it belong to iudge whether the Popes definitions or doctrine be true or false, or his commandements conforme to the law of God or no, or that he exceed the authority and commission which Christ hath granted him or no? I answer, that if wee speake of *Iudgement*, as it is an act of *Iustice*, or of a *Iudge* doing *iustice*, & supposeth in him a superiority & authority ouer the person whom he iudgeth, which the Diuines call *iudicium potestatis*, a iudgement of authority; then according to the *Diuines* of *Rome* only God can iudge the *Popes* actions, except in case of heresie or of schisme, when more then one contend to be *Pope*, for in these cases they graunt that a *generall Conncell* may iudge the *Popes*: But according to the *Diuines* of *Paris*, not onely in the aforesaid cases, but also in many others, a *Generall Conncell* whom they grant to be superiour to the *Pope*, may by way of authority iudge the *Popes* actions, and declare, determine and define, whether his definitions, and commandements be conforme to the word, and law of God or no. But if wee take *iudgement*, as it is an act of the vnderstanding, and is commonly called by the *Philosophers* the second act, or operation thereof, and signifieth a right discerning or determination of the vnderstanding betwixt truth & falshood, good and euill in euery matter whether it be speculatiue or practicall, and consisteth in the apprehension of a thing as it is in it selfe, which the Diuines call *iudicium discretionis*, a iudgement of *discretion*; then euery learned man may iudge and discerne, whether the Popes definitions or doctrine be true or false, and whether his commandements bee conforme

S. Thom. prima
secunda q. 93
ar. 2. secunda
secunda q. 51.
ar. 3. & q. 60.
ar. 1.

forme to the law of God or no: neyther is that vulgar saying, *None can iudge his superiours actions*, to be vnderstood of this *iudgement*, but of the former; for this inward and priuate *iudgement* is the guide of euery mans conscience, by which, for that it is the rule of all morall actions, he must *iudge* and discern all his thoughts, words, and deeds, actions, and omissions.

1.Tim. 3.

91 Seeing therefore it is a controuersie among learned Catholikes whether the *Pope* can erre in his definitions, if hee define without a generall Councell, and consequently they cannot be infallible grounds of *Catholike faith*, it is euident, that whensoever the *Pope* defineth any doctrine to be of faith, which in very deed is *Catholike* doctrine and of faith, we must not beleue with *Catholike faith*, that doctriu to be *Catholike* and of faith, because the *Pope* hath defined the same, for this reason and ground is, as I haue said, vncertaine, and fallible, but because the *Catholike Church*, which onely is the infallible propounder of *Catholike faith*, and according to the *Apostle*, the pillar and ground of truth, hath approued the same to be *Catholike* and of faith. And thus much concerning the *Popes* definitions and decrees in points of faith, and which are to be beleued with *Catholike faith*.

uIn Disp. Theol.
cap. 10. § 2. nu.
41.

Act. cap. 5.

In the discovery
of D. Schul-
kenius calum-
niez, calum. 15
nu. 12. & seq.
Sot. de deteg. se-
cret mcm. 3.
a. 2.

92 Now concerning manners, and things commanded to be done, or not to be done, we must carefully distinguish betwixt *declaratine*, and *constitutive* precepts or commandements: for in *constitutive* commandements, which doe make the thing which they forbid to be vnlawfull, and doe not suppose it to be otherwise vnlawfull and forbidden by some former law, *first* if the *Pope* command a thing which is manifestly lawfull, and subiect to his commanding power, wee are bound to obey, but with this *caueat* or *prouiso*, if by obeying we are not like to incurre any probable danger of some great temporall harme, for that no Ecclesiasticall law, setting aside scandall, or contempt, which are forbidden by the law of God and nature, doth sel-dome or neuer binde with any great temporall losse, as I obserued elsewhere^a out of the common doctrine of Catholike Diuines. *Secondly*, if the *Pope* perchance commaund a thing, which is manifestly vnlawfull, then we are bound not to obey, according to that saying of *S. Peter*, *God must be obeyed rather then men*.

93 *Thirdly*, if it be doubtfull, whether the thing, which the *Pope* commandeth be vnlawfull, or whether he hath authority to command that thing or no, then, as I obserued elsewhere, according to the doctrine of many learned Diuines, as *Sotus*, *Corduba*, *Salon*, *Sayrus*, and others, wee must doe that wherein there is lesse danger, according to that approoued maxime, *Of two evils the lesser is to be chosen*. But *Sotus* doth more plainly and distinctly declare the whole matter. *When the Superiours commandement*, saith hee, *is of a thing secure and lawfull,*
where

where no danger ariseth to the publike good, or to a third person, in a doubtfull matter we must for the most part obey. As for example, my Superiour commandeth me to study, or to helpe like persons; which are actions; where in there is no danger, although it be doubtfull, whether hee may impose such a commandement, I must obey; yet I added, saith he (for the most part) because I am not alwaies bound to obey in a doubtfull matter, as if the thing be over burdensome, or laborious to the subiect; For if my Superiour command me a long iourney, and a hard, or vnease thing, and it is doubtfull whether he hath authoritie to command the same, I am not bound forthwith to obey. And a little beneath the same *Sotus*, as I related his words more at large above, affirmeth, that when it is doubtfull, whether the Superiour commandeth that which is lawfull, if it be in preiudice of a third person, because that third person is in possession of his credit, and goods, we must incline to that part where there is lesse danger. For when such danger doth arise to a third person, if the subiect be doubtfull, he doth not against obedience, if hee demand of his Prelate a reason of his commandement, propounding humbly the reasons of his doubt. Thus *Sotus*. And by this the Reader may cleerely vnderstand the true sense and meaning of that vulgar maxime, In doubts wee must obey our Superiour, and stand to his iudgement.

94 And as concerning declaratiue precepts, which doe not make the thing, which they forbid to be vnlawfull, but doe onely declare and suppose it to be vnlawfull, as being forbidden by some former law, they haue no more force to binde, as *Fa. Suarez* expressly affirmeth, then hath the reason whereon they are grounded. So that if the reason be certaine, then we are bound to obey, if it be onely probable, wee are no more bound to obey that declaratiue commandement, then we are bound to follow the *Popes* opinion, against the probable opinion of other learned Catholikes. All this, and much more touching declaratiue, and constitutiue precepts, and his Holinesse *Brenes* in particular, which doe onely containe a declaratiue precept, forbidding Catholikes to take the Oath, for that it containeth many things flat contrary to faith and saluation, I declared in my *Theologicall Disputation*,* which is abundantly sufficient to free me, and other English Catholikes, from all note of disobedience, for not obeying in this doubtfull and disputable matter his Holinesse *Brenes*, and his declaratiue precept contained therein, which is so preiudiciall to his Maiesties authority, and so dangerous to his Catholike subiects, not being able to finde any one thing therein, which is repugnant to faith and saluation, especially humbly propounding to his Holinesse the reasons of our doubts, and earnestly requesting to bee satisfied therein. But *M^r. Fitzherbert* thought it fit for his purpose, to vrge against mee the obiections which I there answered, and to taxe me not onely of disobedience, but also of error and heresie, and to conceale the answeres which I made.

*Suarez l. 3. de
Leg. c. 20. num. 10*

x Ch. 10. sec. 2.

made thereunto, wherein he plainly discouereth his vnſincere, diſhoneſt, and vncharitable proceeding, and that his onely drift is to diſgrace mee with his *Reader*, and not to examine vprightly the truth of the cauſe.

95 To conclude therefore this digreſſion, it is euident by the premiſes, that if the *Pope* without a generall *Councell* define any doctrine to be hereticall, erroneous, or temerarious, and command all Catholikes to belieue the ſame, no Catholike is bound, or ought to belieue with Catholike faith, that doctrine to be hereticall, erroneous, or temerarious for this reſpect onely, becauſe the *Pope* hath defined and commanded the ſame, for that it is a controuerſie among learned Catholikes, whether he hath any ſuch authority infallibly to define or no; and conſequently neither his definitions, nor his *declaratiue* commandements grounded thereon, can be certaine and infallible grounds of Catholike faith. And thus much touching inward beliefe. But ſecondly, if the *Pope* command that none ſhall preach or teach againſt his definitions or *Breues*, then wee muſt obſerue that golden rule of learned and deuout *Gerson*, that if we neither perceiue any manifeſt error againſt faith in his definitions or *Breues*, nor that by our ſilence ſome great ſcandall ſhall ariſe to Catholike faith, we muſt not dogmatize againſt them, otherwiſe wee muſt ſpeake freely and feare no Censures. See his words aboue, Chap. 14. num. 39. But notwithstanding this document of *Gerson*, if any learned man hath doubts and difficulties, which doe trouble his conſcience concerning the verity or lawfullneſſe of the *Popes* definitions or *Breues*, when they are greatly preiudicall to a third perſon, eſpecially to a whole kingdome, it is lawfull for him, according to the doctrine of *Sotus*, and others before rehearſed, to propound humbly to his Holineſſe the reaſons of his doubts, deſiring to bee ſatiſfied therein, for this is not to dogmatize, or to teach or preach publickly againſt them, (although this alſo according to *Gerson* be ſometimes commendable, yea, and neceſſary) but it is a deſire to bee taught and inſtructed concerning the veritie or lawfullneſſe of them.

96 Thirdly, if the *Pope* ſhould excommunicate *nominatiuim*, by name all thoſe that ſhall teach, preach, or write againſt his definitions, or *Breues*; in caſe they perceiue great ſcandall to ariſe to Catholike faith, if they be ſilent, and doe not oppoſe themſelues, or ſhould excommunicate *nominatiuim* thoſe, who ſhall write *Supplications* to his Holineſſe, to be taught and inſtructed concerning the veritie, or lawfullneſſe of his definitions or *Breues*, whereof they haue great doubts and difficulties, which doe perplexe their conſcience, then they muſt remember that ſaying of our *Sauour*, wherewith *Gerson* concludeth his golden document, that *Bleſſed are they that ſuffer perſecution for iuſtice*, and let them aſſure

assure themselves, that they are vniuersally excommunicated, and free before God, howsoever the Pope hath tyed them by his Censure: and therefore they may in this case carry themselves in that manner, as those who are not excommunicated in the sight of God, though by presumption, which often deceiueth, and is deceiued, they may bee thought by many persons, who know not their innocency, to bee excommunicated: Yet they must not contemne the Censure, but also for feare of scandall obserue it in the face of the Church, although secretly, and when no scandall is like to arise, they may doe all that, which if they had not beene excommunicated, they might haue done; and they, who know their innocency, may in like manner conuerse with them secretly and without scandall, as they might before. But notwithstanding any such excommunication, they may still write *supplications* to his Holinesse vntill hee shall instruct them, and may still *appeale* to his Holinesse, *ad melius informandum*, to informe him better, and to desire to be fully instructed, propounding humbly the reasons of their doubts.

97 *Lastly*, if the Pope, or the Cardinalls of the *Inquisition*, shall forbid Catholikes to read, or keepe certaine bookes, to know whether, and by whom such bookes may without any licence be read, and kept, or no, learned Catholikes must diligently obserue for what reason, ground, cause or end they are forbidden to be read, to wit, whether for that they are repugnant to faith, or good manners: and also they must carefully consider the natures, properties, and differences of *declarations* and *constitutions* precepts, and that, according to the common doctrine of Diuines, whensoever the reason or end of any law doth generally cease, the obligation also of that law doth cease. So that if the bookes are forbidden, for that they are repugnant to faith, and therevpon may be dangerous to soules, and this reason is not true, but onely pretended and falsely supposed, the reason, end, and cause of this prohibition doth altogether cease, to him who seeth this false pretence: And this obseruation I haue set downe chiefly for learned men; For those that be vnlearned must bee guided and directed by vertuous, discreet, and learned men, which learned men, who take vpon them to guide and direct others, if through affectate and wilfull ignorance they doe erre (for that they will not duly examine the matter, when they haue sufficient cause to doubt thereof, but either for feare, or flattery will beleeue with blinde obedience the Popes, or Cardinalls words, knowing certainly that they may erre and oftentimes haue erred, and now haue sufficient cause to doubt, and consequently to examine whether at this present they haue erred or no, seeing that learned Catholikes doe in publike writings dedicated to his Holinesse make great doubts, and giue great reasons to shew that they haue erred at this very present, desiring

to be satisfied therein) these learned men, I say, shall render a strict account at the day of iudgement, for the temporall or spirituall harme, which those poore ignorant soules, who haue trusted to their learning and conscience, haue sustained by their aduise and counsell, and also they are bound to make satisfaction and restitution in this world for all the temporall losse, which those poore soules haue incurred by their rash and pernicious counsell, proceeding from wilfull and affectate or desired ignorance.

98 Neuerthelesse also vnlearned Catholikes, when they haue iust cause to doubt of the truth & lawfulness of any Decrees either of *Pope*, or *Cardinals*, which are preiudiciall to a third person, and especially to their temporall *Prince*, and the whole kingdome, are bound for as much as by their naturall wit, and capacitie they are able, to examine the matter, and not to be led blindfold without sufficient reason, which may fully satisfie their vnderstanding and conscience. And this doctrine, which I haue heere in this digression set downe, is so sound, easie and perspicuous, that no learned man can take any iust exception thereat. Yet I haue not set it downe, for that it is necessarie to satisfie my *Aduersaries* obiections, which before I clearly answered, seeing that neither the *Pope* by his *Brenes*, nor the *Cardinals* of the *Inquisition* by forbidding my bookes haue defined, determined, or declared this doctrine of the *Popes* power to depose *Princes* to bee of faith, because there is no mention at all made of this doctrine either in the *Popes Brenes*, or in the afore said Decree of the *Cardinals*; but I haue set it downe onely for satisfaction and instruction of the *Catholike Reader* that hee bee not led hood-winckt by the grosse ignorance of my vnlearned *Aduersarie* T.E. who, as it seemeth, doth not know what heresie, or disobedience is; & yet pretendeth to be their guide and director therein, but both of them may doe well to remember that saying of our *Sauour*, *Si cecus ceco ducatum praestet, ambo in foueam cadunt*, If the blinde bee guide to the blinde both fall into the ditch. And by all this it is euident, that I and other Catholikes cannot any way bee iustly, taxed of disobedience for propounding to his *Holinesse* with all humilitie the doubts and reasons which wee haue, not to admit his *Brenes*, which are so preiudiciall to his *Maiesie* and our selues, and most humbly requesting him, that he will satisfie and instruct vs therein, but alas what little satisfaction wee haue receiued from his *Holinesse* you shall see beneath.

99 Now to returne to my ignorant and vncharitable *Aduersarie*, who hath laboured in vaine to prooue not onely that I am *disobedient* and *irreuerent* to the *Sea Apostolike*, but also an *heretike disguised*, and that my *submission* to the *Censure* of the *Catholike Roman Church* proceedeth from no other ground but from a deepe *disimulation* or rather an *artificiall*

fiend and execrable hypocrisie to delude and deceive Catholics, and also that my meaning is to escape the Censures of the Church, by appealing from the Pope to a generall Councell, all which how false and slanderous they are you haue already scene: and yet wee read that the *Doctors*, and *Catholikes of Paris* haue diuers times appealed from the Pope being not well informed and aduised, to a future Councell: now this silly and vnconscionable man will, forsooth, confirme his aforefaid rash iudgement of mee concerning the last point of my appealing to a Councell, by the example of *Luther*, who at his first breach and disunion from the Church, did, as all *Apostates* and heretikes are wont to doe, appeale from the Pope to a generall Councell.

100 This is manifest, saith hee, y even in *Luther* himselfe, who y p. 220. m. 17 after hee had begonne to set abroad his heresie, retained for a while the good opinion of many Catholics, with his pretence still to reuerence, and highly esteeme the Popes authoritie, insomuch that he wrote to Pope Leo in these words: *Quare, Beatissime Pater*, prostratum me pedibus tuæ Beatitudinis offero, &c. Wherefore most holy Father, I offer my selfe prostrate at the feete of your Holinesse, with all that I haue, or am: do you quicken, or kill, call or recall, approoue or reprocue, as it shall please you, I will acknowledge your voyce, as the voyce of *Christ* governing in you. So he, making, as you see, a farre greater, and more absolute submission then *Widdrington* doth, albeit within a while after being condemned first by a Legate of the Pope, and after by the Pope himselfe, he appealed first from the Legate to the Pope, and afterward from the Pope to a future Councell, and what became of him in the ende the world hath scene, and felt by the bad frutes of his *Apostacie*; Sed Deus meliora. Surius 49. 1 517 Ibid. anno 1529

102 But first this silly man will not, as I suppose, finde fault with *Luther* for the humble submission hee made to the Pope, but all that hee can reprehend in him, may be two things, the one is, that hee did it not sincerely and from his heart, which it is besee, as also it may be otherwise, I cannot but much dislike such deepe dissimulation; But for my owne part I protest before almighty God, that the submission I made of my selfe and all my writings to the iudgement and Censure of the *Catholike Roman Church*, I did it with all my heart and without any dissimulation at all. The second may be, that hee did appeale afterwards from the Pope to a future Councell, which although I doe not intend euer to doe, but will take patiently all the Censures, which shall be imposed vpon mee, I will onely appeale still to the Pope himselfe to informe him better, and to make knowne to him and to the whole world my oppression and the iustice of my cause: yet neither *Luther* nor any other can bee accounted an heretike, *Apostate*, or *Schismaticke* for appealing from the Pope to a future Councell vpon a iust cause,

The copie of this
Appeale which
was made in the
yeere 1517, the
27. of March, is
to bee seene in
Bochell. lib. 8.
Decret. Eccles.
Gallic. cap. 8.

cause, seeing it is well knowne, that the *Masters, Doctors*, and the whole *Vniuersitie of Paris* did also appeale from the saide Pope *Leo* to a future *Councell*: who were not therefore accounted heretikes; Apostataes, Schismatikes, silly, sicke, scabbed or rotten sheepe.

102 Secondly, *Luther* within two yeeres after hee began to publish his doctrine, reuolted wholly from the *Catholike Roman Church*, and renounced all obedience to the *Bishop of Rome*, but since I began to write, there be seuen yeeres fully expired, and yet I continue still in the vnitie of the *Catholike Roman Church*, and doe acknowledge the *Bishop of Rome* to bee my supream spirituell Pastour, Father, and Superiour. And albeit my opinion be, that no *Catholike* is bound to admit his *Holinesse* Breues, forbidding *Catholikes* to take the Oath, and to obey his declaratiue commandement contained therein, for the reasons signified before, which I humbly propounded to his *Holinesse*, desiring him most earnestly, as being our chiefe Pastour, Teacher, and Instructor, to giue vs some satisfaction therein, yet I cannot therefore in the iudgement of any learned man bee iustly accounted a disobedient childe to his *Holinesse*, seeing that it is euident, as I shewed before out of *Dominicus Sotus*, that if a *Superiour* impose a commandement, whereby danger is feared to Religion, or to the common-wealth, or to a third person, (as all the world knoweth, that the forbidding of the Oath, is heere in England preiudiciall to *Catholike Religion*, to his *Majestie* and the temporall *State* and to all his *Catholike* subiects) if the subiect be doubtfull: that such a danger will arise, he is not bound forthwith to obey, but he may without any disobedience demaund of his *Prelate* a reason of his commandement, propounding humbly the reasons of his doubts.

103 Besides, *Luthers* doctrine was within two yeeres condemned, not onely in generall words, but also his propositions were specified in particular, both by Pope *Leo* himselfe in his particular Bull concerning the same, and also by the famous *Vniuersities of Paris, Louan, and Collen*: But albeit two of my bookes are by a particular decree of the *Cardinall* forbidden in generall, and I commanded vnder paine of Censures to purge my selfe forthwith, yet they haue neither expressed any one proposition in particular, neither as yet can I get them to name one proposition which is repugnant to faith or good manners, although I haue most earnestly requested to know the same, protesting from my heart to bee most readie to correct what is to bee corrected to purge what is to bee purged, to explaine what is to be explained, and to retract what is to be retracted: which their different proceeding against me and *Luther* doth plainly argue, that they haue begun a worke, which they cannot with their reputation continue, and that there is no such dangerous doctrine contained in my bookes, as *Cardinall Bellarmine*,

against

against whom I did chiefly write, and who is my accuser, *Aduersarie* and Iudge, hath by all likelihood informed them, and would gladly to saue his owne credit, and that he hath not falsly to his great dishonour accused me and my doctrine of *error*, *heresie*, and of *being no good Catholike*, would make the world beleue, for which at the day of iudgement hee shall render a strict account. And thus you see, that this comparifon, which my indiscreete *Aduersarie* hath, to disgrace me, made betwixt me and *Luther*, doth nothing helpe, but greatly hurt his cause.

104 Now you shall see what a fraudulent and vncharitable obseruation hee gathereth from hence. *That which I wish*, saith he, ² *to bee obserued heerein, is how little heed is to bee taken to Widdringtons submission of his writings to the Roman Church* (he should haue saide *Catholike Roman Church*) *considering his doctrine, and the course he holdeth in the maintaining thereof.* For as *Cicero* saide by *Epicurus* (who wrote sometimes very vertuously and thereby deceiued many) it is not so much to be considered what hee wrueth, as what his grounds and principles are, and how well his writings agree therewith; as for example what opinion he or any other hath, or can haue of the authoritie of the *Sea Apostolike*, who purposely impugneth the iurisdiction thereof, contradicting (as I haue shewed sufficiently in this Reply) the ancient and generall practise of the Church, the expresse Canons thereof, and the Decrees of Popes and Generall Councells vpon an absurd supposition partly of a bare probabilitye in his own doctrine, & partly of a possibilitye of error in Decrees touching matters of fact, which he is not ashamed to say of the Decree of the famous Oecumenical Council of Lateran, albeit all Catholikes doe vniiformly teach, that generall Councells lawfully assembled and confirmed by the Pope, cannot erre in any generall Decree, touching either faith or manners, as I haue sufficiently signified before ² Besides that, he vseth the very obiections, arguments, answers, shifts, and euasions of heretikes, discovering now and then such an arrogant, proud, and malicious spirit towards the *Sea Apostolike*, that no zealous, Catholike can reade him without great disgust and indignation, or can take him for any other, then an heretike disguised, and masked under the vizard of a Catholike. ² See chap. 16. nu. 11. and 12.

105 But to answer the false and fraudulent obseruation, or rather shamefull calumny of this malignant spirit, which hee would gladly colour with the luster of a faigned, intemperate and Phariscaill zeale to the *Sea Apostolike*, I may rightly say to him as *Saint Paul* sayd to *Elymas* the Magician, *O plene omni dolo & omni fallacia*, *Aff. 13.* &c. *O full of all guile, and of all deceit, &c.* For to begin with his later wordes, I doe not vse any other obiections, arguments, and answeres, then which vertuous and learned Catholikes haue vsed before mee; neither doe I discouer any arrogant, proude, or malici-

ous spirit, towards the *Sea Apostolike*, whom I reverence and respect with all my heart; onely the plaine truth, which Catholike Doctours haue said before me, and which oftentimes breedeth enmitie, I doe modestly, reuerently, and without any flattery, which commonly procureth friends, let downe. And this vncharitable and ignorant man might haue done well to haue named some one particular shift, or euasion, which I haue vsed, and which onely heretikes and no Catholikes doe vse, or wherein I discover such an arrogant, prond, and malicious spirit towards the *Sea Apostolike*, that no zealous Catholike can reade it without disgust and indignation, or take me for any other, then an heretike disguised and masked under the vizard of a Catholike. But this is a vnuall trick of slanderers and backbiters, to vse such generall speeches, lest if they should descend to particulars, their malicious and lying spirit would presently bee discovered.

106 Secondly, this silly man cannot prooue, that any one thing either concerning my doctrine, and the grounds and principles thereof, or concerning the course, which I hold in the maintenancethereof, doth not agree with the submission I made of my writings to the censure and iudgement of the *Catholike Romane Church*. For I doe not impugne any authoritie or iurisdiction, which the *Catholike Romane Church* acknowledgeth as due to the *Sea Apostolike*: but I impugne onely the *Popes* authority to depose Princes, and to inflict temporal punishments as a thing certaine, and necessarily to be believed or maintained by Catholikes, for that the *Catholike Church* neuer acknowledged this authoritie to be due to him; neither was this doctrine in the *primitive Church*, and for many hundred yeares after by the ancient *Fathers* so much as dreamed on: but it hath been challenged & practised by some *Popes*, since the time of *P. Gregorie the 7. Res amicea secula mandata*, A thing not heard of before that age, saith *Onuphrius*, which their practise and the doctrine thereof hath neuerthelesse bene euer contradicted by Christian Princes, and their Catholike subiects; and therefore it cannot be rightly called the generall practise of the Church, nor ancient, but in respect of this our age; nor from that practise can any sufficient argument be drawne to proue the doctrine to be certaine, and of faith, and that the contrary cannot be maintained by any Catholike without the note of heresie, error or temeritie: Neither doe I contradict or impugne the expresse *Canons* of the Church, the decrees of *Popes* and generall *Councils*. and especially of that famous *Lateran Council*; but I expound them according to the probable doctrine of learned *Divines*, and exposition of the *Canonists* cited by *Innocentius*, *Hosienus*, and *Ioannes Andreas* upon the Canon *Ad abolendam*, and as the *Glosse* with those Doctours, whom *Hosienus* mentioneth and calleth them *Masters*, vnderstand the Canon *Per venerabilem, Qui filij sunt legitimi*, and I impugne:

* See above in the first part of this Treatise. See above chap. 11. from nu. 3. & ch. 12. from nu. 56. and Hosienus upon the same Canon Per venerabilem.

pugne and contradict the doctrine and expositions, which my *Adversaries* make of the *Canons* of the Church, and especially of the *Decree* or *Ait* of this famous *Lateran Council*.

107 *Thirdly*, that obseruation, which my spightfull *Adversary* vrgeth against me, may be also vrged against Cardinall *Bellarmino*, and many other zealous and learned *Catholikes*, who notwithstanding their submission to the *Catholike Romane Church*, yet they purposely impugne the authoritie and iurisdiction of the *Sea Apostolike*, contradicting the *Popes* authority and dominion directly in temporals, his power to dispence in certaine vowes, and in marriage which is not consummated, to giue leaue to inferiour *Priests* to minister the Sacrament of *Confirmation*, to define infallibly without a generall *Council*, &c. albeit diuers *Popes* haue practised and maintained the contrary. And therefore if this mans inference be good, little heede is to bee taken to their submission of their writings to the *Catholike Romane Church*, seeing that they purposely impugne the authority and iurisdiction of the *Sea Apostolike*. But the plaine truth is, that little heede is to be taken to the writings of this ignorant and vncharitable man, seeing that to prooue me to be no other than an heretike disguised and masked under the vizard of a *Catholike*, he bringeth such childish and witlesse arguments, which may bee retorted vpon Cardinall *Bellarmino*, and many other learned and zealous *Catholikes*, who purposely impugne that authority and iurisdiction, which some onely, or a great part of *Catholikes*, but not the *Catholike Church*, or all *Catholikes* doe acknowledge as due to the *Pope*.

108 But now this vncharitable man at the last vpsnot will not shoot at randome, as he hath hitherto done, but he will, forsooth hit the very marke, and will manifestly prooue, that no zealous *Catholike* can take me for any other, than an heretike disguised, and masked under the vizard of a *Catholike*. And what more manifest argument, saith he^b, can a man desire of the truth hereof, then that his Bookes are printed Cosmopoli, and Albionopoli, that is to say in good English in London, with the consent and approbation of my Lord of Canterbury, & his fellowes? Can any man persuade himselfe that their Lordships are turned Papists of late, or that they would suffer bookes to be printed under the name of *Catholikes*, with Epistles dedicatorie to the *Pope*, and submission of the whole to the Censure of the *Romane Church*, (hee should haue added also *Catholike*) if they did not know that the Authour thereof meant the same for a meere mockery and derision of his Holinesse, honouring him as the Iewes did Christ, when they kneeled downe, and adored him, saying, Aue Rex Iudæorum, and spitting in his face.

^b Pag. 111.
num. 10.

109 But although I am infinitely wronged and slandered by this vncharitable man, in falsly accusing me of the greatest and most infa-

mous crime that may be, to wit, of heresie and Apostacie, and bringing such ridiculous arguments to prooue the same, for the which at the day of iudgement he hath much to answer, yet in very deed I doe in some sort pittie the silly man, for that before he began to enter into this difficult controuerſie, wherein he shewed himselfe to haue so little skill, he was of some account among English Catholikes; and now hee hath so much empaiied, or rather quite lost that credit and good estimation they had of him, by discouering so grossly his great want not onely of Theologicall learning, but also of morall honestie. The like vncharitable proceeding, and vpon the like vncharitable & friuolous grounds, this zealous Father vsed against the *Appellant Priest*, in the time of Pope *Clement* the eight, to disgrace them with his *Holinesse*, as hauing intelligence with the State, and to be no good Catholikes, &c. but the effect hath prooued, and Pope *Clement* also to the confusion of my backebiting *Aduersary*, and his adherents hath confirmed, and which also I make no doubt, but that his *Holinesse*, and all the world will ere it be long see and acknowledge concerning their course taken against mee, that *Mentis est iniquitas sibi*, Iniquitie hath belide it selfe.

110 Marke now vpon what goodly principles hee relyeth, to prooue mee to be no other then a hereticke disguised and masked under the vizard of a Catholike. My bookes, saith he, are printed at London, with the consent and approbation of my Lord of Canterbury, and his fellowes. Be it so: therefore from hence we may very well conclude, that all English Catholikes are infinitely bound to his *Maiesty*, and the State, who albeit by reason of that execrable Gun-powder plot, & the damnable grounds, and principles from whence it was deriued, might haue taken a fit occasion to repute all Catholikes, without any distinction or difference of persons, to be capitall enemies to his *Maiesty*, and his temporall State, and to perſwade themselves, and all the Pretendant Subiects of the Realme, that no true and constant *Romane Catholike*, can be a true and constant subiect to his *Maiesty*, yet his *Maiesty* and the State, out of their most gracious fauour and clemencie were contented, to permit his Catholike subiects, to cleere themselves if they could, of this most foule imputation so dangerous to themselves, and so scandalous to their Religion, and to make knowne to the whole world, that according to the true grounds and principles of Catholike Religion, his *Maiesty* might be assured, that they might continue both his true, obedient, and constant subiects in all temporall affaires, by vertue of the naturall bond of their temporall allegiance, which the Pope hath not power to dissolue, and also dutifull children of the Catholike *Romane Church*, and of his *Holinesse* in all spirituall matters, among which the deposing of Princes, and the disposing of temporals, are not, according to the doctrine of learned Catholikes, to be numbred.

111 And for this cause, and vpon this motiue, as I coniecture, his *Maiestie* and the *State* suffered vs to write like Catholikes of this point, and according to the grounds and principles of the *Catholike* Religion which wee professe, and to submit our writings to the Censure and iudgement of the *Catholike Romane Church*, and to dedicate them to his *Holinesse*, to the end they might see, what he or other Catholikes would, or could except against our doctrine. But this fraudulent and vncharitable man, who like the diligent and carefull Bee, might, as you haue seene, from this permission, consent, or approbation of his *Maiestie* and the *State*, gather hony to comfort the afflicted hearts of distressed *Catholikes*, and to appease and mollifie the wrath, indignation, and bad opinion of his *Maiestie*, and the whole kingdome conceiued against vs, by reason of that most horrible and abhominable *Powder-Treason* plotted and attempted by Catholikes, doth like the craftie and malignant serpent, gather from thence poyson to inflict and afflict the hearts of his *Catholike* Countrey-men, and to exasperate his *Maiestie* and the *State* against himselfe, and other Catholikes, and to increase the indignation and bad opinion, which the whole Realme hath conceiued against vs, wherein hee discouereth his ill affected minde towards his *Maiestie*, and his great want of charitie towards his afflicted brethren.

112 But let vs goe on and see his childish collection: For can any man, saith he, persuade himselfe, that their Lordships are turned *Papists* of late, or that they would suffer bookes to bee printed vnder the name of Catholikes, with Epistles dedicatory to the Pope, and submission of the whole, to the *Catholike Romane Church*, if they did not know that the Author thereof meant the same for a meere mockery and derision of his *Holinesse*, honouring him as the Iewes did Christ, when they kneeled downe, and adored him, saying, Aue Rex Iudæorum, and sitting in his face?

113 It is very true, that no reasonable man can persuade himselfe, that their Lordships, and the *State* are turned *Papists* of late, for permitting *Catholikes* to free themselues, from this scandalous and slanderous imputation, which this ignorant and vncharitable man, and his fellowes would lay vpon them, and to suffer their bookes to bee printed vnder the name of *Catholikes*, with Epistles dedicatory to the Pope, and submission of the whole to the *Catholike Romane Church*; as likewise no reasonable man can persuade himselfe, that Bishop *Bancroft*, and the *State* were turned *Papists*, for permitting the *Appellants Priests* to defend their innocency, and to free themselues from so many scandalous and slanderous crimes, which this vncharitable fellow, with *Fa. Parsons* and his adherents did obiect against them, and to suffer their bookes to be printed vnder the name of *Catholikes*, and some of them to be dedicated to the Pope, and to the *Cardinalls* of the *Inqui-*

sition, and with submission of the whole to the Censure of the *Catholike Romane Church*; and also for furthering their *Appeale*, by releasing some out of prison for that purpose, and by letters moouing the *King of France* in their behalfe, that he would be a meanes to his *Holinesse*, that their cause might be heard, and they not to be oppressed through the potency of their *Aduersaries* in the *Court of Rome*, and that if they were wronged they might bee freed of those slanderous imputations, and if faultie, they might accordingly be censured; for which fauours those *Priests*, and all their adherents were bound to giue most heartie thanks to her *Maiestie* and the *State*, by whose meanes they made knowne to the world their innocencie and oppression, to the euerlasting shame and discredit of their *Aduersaries*, who in the like manner doe now proceed against me, and other *Catholikes*, who are desirous to make manifest to all the world their durifull allegiance, which they owe to *God*, and *Cesar*, and which their violent and vncharitable proceeding I make no doubt, but in the end will turne to their great shame and confusion, for *truth* and innocency, although for a time it may be oppressed, will in the end preuaile.

¶ 14 Wherefore any man may perswade himselfe, that his *Maiestie* and the *State* still remaining *Protestants*, may for many good reasons permit such bookes of *Catholikes*, which cleerely prooue, that no *Protestant Prince* can, according to the doctrine of learned *Catholikes*, be deposed by the *Pope*, to be printed vnder the name of *Catholikes*, with *Epistles* dedicatory to the *Pope*, and submission of the whole to the Censure of the *Catholike Romane Church*, yet knowing that the *Author* thereof meant the same truely and sincerely, and not for a meere mockerie and derision of his *Holinesse*, &c. as my *Aduersary* falsely and childishly inferreth: which his inference, as I signified elſewhere, may be retorted against *Cardinall Bellarmine*, who impugneth the *Popes* direct authority and dominion in temporals, and yet he dedicated his booke to the *Pope*, and submitted the whole to his Censure, belike honouring him as the Iewes did *Christ*, when they kneeled downe, and adored him saying, *Aue Rex Iudæorum*, and spitting in his face. A chiefe and principall reason, why the *State* may prudently permit some bookes of *Catholikes* to be printed in the aforesaid manner, may bee thereby to know truely and vnfainedly, whether *Catholike* religion, and temporall subiection to a *Prince* of another Religion, true spirituall obedience of *Catholike* subiects to the *Pope*, and true temporall allegiance of the said *Catholike* subiects to a *King*, who acknowledgeth no such spirituall obedience to the *Pope*, may stand together; and how farre the *Popes* authority, by the institution of *Christ*, doth according to the grounds of *Catholike* Religion, extend in temporall affaires, to wit, whether to the disposing of hereticall, or wicked *Princes*, to the disposing of all temporalls,

poralls, and to the inflicting of all temporall punishments; in order to spirituall good, or onely to the inflicting of Ecclesiasticall or spirituall Censures.

115 For what man of iudgement can deny, that it is very necessary for his *Maiestie* considering the Religion which he professeth, to know how farre he may be assured of the unfaigned and constant loyalty of his *Catholike* subiects; and how farre he may prudently permit, tolerate, or fauour them when occasion shall require, without any probable danger of new *gun-powder* plots, or other innovations or conspiracies against the *State*, to be attempted by them publicly, or secretly, with the expresse or tacite commandement, or licence of the *Pope*? Other reasons may be alledged, which may moue the *State* to suffer my bookes to be printed in the aforesaid manner: one may be, a tender commiseration of distressed *Catholikes*, who for yeelding their temporall allegiance to his *Maiesty*, as he by the new *Oath* hath required at their hands, and making knowne to the whole world the lawfulness thereof, euen according to the grounds of *Catholike* Religion, are slandered and defamed, as being not good *Catholikes* but *hereticks*, disguised and masked under the *Vizards* of *Catholikes*, which might moue his *Maiesty* and the *State*, to take compassion of them, and to suffer them to make their innocencie and oppression knowne to the whole world, in that manner they should thinke fittest; being so infinitely wronged for his *Maiesties* sake in yeelding him that temporall allegiance, which he requireth, and they in their consciences thinke to be due to him.

116 An other reason, may be a willingness in his *Maiesty*, and the *State* to haue plainly discovered to the whole world, the different grounds and principles in things concerning obedience due to God and *Cesar*, betwixt *Catholikes* of quiet disposition, and in all other things good subiects, and such other *Catholikes*, as in their hearts maintaine the like violent bloody maxims that the *Powder-Traitors* did: and a desire that his *Catholike* subiects would plainly let him see, that in all temporall affaires they would and might lawfully, according to the grounds of *Catholike* Religion, adhere to him, notwithstanding any authority, by which the *Pope* might pretend to command them the contrary, whereby himselfe, and his *State* might bee the better secured from all perturbations, which might arise from thence, and they also freed from most grievous penalties, which otherwise would bee imposed upon them.

117 And if the *Pope* should upon some occasion offered, be desirous to know, how the *Princes* that are borne and liue in his temporall *Dominions*, stand affected towards him in point of their chieflie loyalty and due obedience, and whether they thought, that their *Chiefe*
Priests,

Priest, or *Synagogue*, had according to the grounds of their Religion, authoritie, to absolue them from the bond of their naturall allegiance, and for that cause should suffer bookes to be printed vnder the name of *Jewes*, with *Epistles* dedicatory to their chiefe *Priests*, and submission of the whole to the censure of their *Synagogue*; or if the French *King* should for some good respects bee delirious to know the like concerning his *Protestants* subiects, and thereupon suffer bookes to be printed, vnder the name of *Protestants*, with *Epistles* dedicatory to their chiefe *Ministers*, and submission of the whole to their *Congregation*, or *Synode*, would not any man thinke it to bee both a manifest slander, and childish inference, to conclude from hence, that eyther the *Pope* was turned *Jew*, or the *King of France* become a *Protestant*, for suffering such bookes to be printed in that manner, or that therefore they knew the *Authors* of them meant the same for a meere mockery and derision of their chiefe *Priests*, *Ministers*, or *Synodes*, honouring them as the *Jews* did *Christ*, when they kneeled downe, and adored him, saying, *Ave Rex Iudeorum*, and spitting in his face. And yet these are the manifest arguments, which this vncharitable and ignorant fellow obiecteth against me to proue me an heretike disguised and masked vnder the vizard of a *Catholike*.

118. An other Argument of the like kind vrgeth against me in other as foule a mouth'd and vncharitable *Adversarie* of mine, to wit, that my bookes are printed without license and approbation of *Catholike* Superiours, contrary to the decrees of the *Lateran* Councell vnder *Pope Leo* the tenth, and also of the Councell of *Trent*. But, besides that this is more then this man doth know, or can sufficiently proue, it is well knowne, that neither that *Lateran* Councell, nor the Councell of *Trent* were euer authentically receiued heere in *England*; whereupon clandestine marriage, which by a decree of the Councell of *Trent* is made inualide, is heere in *England* euen among *Catholikes* accounted a true and valid marriage. Moreover, it is well knowne, that according to the doctrine of many learned *Divines*, which I haue related elie where, *Ecclesiasticall* lawes doe not binde, when there is danger of some great temporall harme by the obseruing of them; or when some other necessitie to auoid great scandall, or danger to Religion; or the temporall common-wealth, to know the truth in a thing necessary to the great temporall or spirituall good or harme of many persons impugned by craft and violence, and to defend himselfe and his credite from the slanderous reports of vncharitable *Adversaries*, and such like necessities, which are commanded or permitted by the law of *God* and nature, all which may by any man of iudgement be applyed to the bookes written by me.

e In Disp.
Theol. cap. 10.
sec. 2. num. 41.

d Pag. 122.
m. 20. and 21.

119. Besides this, saith M^r. Fitzherbert, their Lordships know full well,

well, that Widdrington shall more easily infill his pernicious doctrine into the mindes of Catholics, under the pretence and name of a Catholicke, of a friend, and of a brother of theirs, then if hee should discover himselfe to bee a Protestant, and enemy of their cause, for as the Poets saith, *Amicus enim est*

Tuta frequensq; via est per amici fallere hominem, *Amicus enim est*

Tuta frequensq; licet sit via, crimen habet. *Amicus enim est*

Which one translated very aptly thus:

It is a safe and common way by friendship to deceive.

Though safe & common be the way, 'tis knavery by your leave.

S. Ambrose saith, *Nihil periculosius his haeticis esse potest, &c.* No- S. Ambros de
fili diuino, c. 1.
thing can bee more dangerous then those heretikes, who with some one word onely, as with a drop of poyson, doe infect the pure and sincere faith of our Lord, and of the Apostolicall tradition. But what would he haue said, if he had seene this followers bookes impugning directly the Sea Apostolike, and the whole course of the Ecclesiasticall government, vnder a solemn protestation and profession of obedience to the Church? would he haue thought any thing more dangerous, or pernicious then him, and his works? No truly.

120 That which his Maiessty and the State might very well know (for their secret thoughts and intentions we cannot know but by conjecture) was this; that Catholics would hardly beleue or reade the writings and bookes of Protestants, in matters which may be thought to concerne Religion: And therefore to the end his Catholicke subiects might plainly see and discern according to the grounds of Catholicke Religion, the true difference betwixt spirituall obedience due to the Pope, and temporall allegiance due to himselfe, and the proper acts and objects of eyther of them, and thereby might the more easily be drawn to giue him that temporall allegiance, which hee requireth at their hands: And that also all other Catholics of other Countreyes might perceiue the lawfulnessse of the Oath, against which the Iesuites especially did so greatly exclaim, & vpon what doctrine & principles his Maiessty grounded the same; & also that he himselfe might certainly know, what particular exceptions his Holinesse would or could take against any clause of the Oath, and what one thing in particular therein contained is contrary to faith and saluation, as his Holinesse had in generall in his Breues affirmed, that many things were therein clerely repugnant: thereunto, his Maiessty thought it not amisse to suffer my bookes to be printed vnder the name of a Catholicke, with Epistles dedicatory to the Pope, and with submission of the whole to the censure of the Catholicke Roman Church, in that manner as bookes are vsually printed by Catholics.

121 And if S. Ambrose, or any other of the ancient Fathers were now aliué, and should see bookes of certaine Catholics directly impugning

pugning the Soueraigne power and authority of *Kings*, and absolute *Princes* (whom they did so highly honor and reuerence, affirming them to be inferior in temporalls to none but God alone) vnder pretence of zeale to the *Sea Apostolike*, and subiecting them to the coerciue temporall power of spirituall *Pastours*, whereas their generall doctrine was, that with temporall punishments they are not to be punished, but by God alone, and broaching by violence and without sufficient ground, with scandall to *Catholike Religion*, and contrary to the example of *Christ* and his *Apostles*, and the whole primitive *Church*, new articles of faith in preiudice of temporall authority; and not permitting any man eyther to call their new faith in question, or for his better instruction, or discussion of the controuersie to propound any difficulty against the same, with a desire to be satisfied therein, albeit he submit himselfe and all his writings to the censure of the *Catholike Roman Church*, but with open mouth crying out against him, and calling him an *heretike disguised and masked vnder the vizard of a Catholike*: what would *S. Ambrose*, trow you, or any other of the *ancient Fathers*, if they were now aliue, say of such *Catholikes*? Truly that nothing can be more dangerous then such *Catholikes*, who vnder pretence of zeale to *Catholike religion*, and to the *Sea Apostolike*, inuent new articles of faith in preiudice of *Christian Princes*, by wresting many places of the holy Scriptures, as *Quodcumq; solueris, Pafce oues meas, Secularia iudicia si habueris, &c.* to a sense not dreamed of by the *ancient Fathers*, and by reason of their potency in the *Court of Rome*, and their fauour with his *Holinesse*, whose authority they pretend to aduance, vniustly persecuting those that discover their manifest frauds and falshoods.

112 Lastly, that which *M. Fitzherbert* obiecteth heere against me, might *Bartholm. Cacerius*, and other *Canonists* obiect against *Cardinall Bellarmine* booke, directly impugning the authority of the *Sea Apostolike* vnder a solemne protestation and profession of obedience to the *Church*. But the plaine truth is, that neyther of vs both doe impugne that authority which is certainly knowne and acknowledged by all *Catholikes* to belong to the *Sea Apostolike*, but as hee impugneth the direct power of the *Pope* to dispose of temporalls, for that there is no sufficient ground to proue the same, albeit some *Popes* haue challenged the same as due to them, and some *Canonists* affirme, that it is hereticall to deny the same, so I impugneth the doctrine of *Cardinall Bellarmine*, who holdeth, that it is certaine, and a point of faith, that the *Pope* hath at least wise an indirect power to dispose of all temporalls, and consequently to depose temporall *Princes* in order to spirituall good, for that there is no sufficient ground to confirme the same.

113 And the like argument might *M. Fitzherbert* urge against

all those learned Catholikes, who constantly deny the *Pope* to haue authority to dispenſe in any true and lawfull marriage which is not consummated (notwithstanding so many practises of *Pope* to the contrary) impugning directly the *Sea Apostolike*, and the whole course of Ecclesiasticall government, vnder a solemne protestation and profession of obedience to the Church. For Saint *Antoninus* doth affirme, that hee saw the Bulles of *Pope Martin* the fifth and *Pope Eugenius* the fourth, who dispenſed therein: and Card. *Caietane* relateth, that in his time *Popes* did oftentimes dispenſe therein: and *Navar* affirmeth, that *Pope Paulus* the third, and *Pope Pius* the fourth did dispenſe therein three or foure times by his Counsell and aduise. And *Henricus*, the *Iesuite* saith, that *Pope Gregorie* the thirteenth did in one day dispenſe therein with eleuen persons: Whereupon *Dominicus Sotus*, although he submitteth himselfe, and all his writings to the Censure of the Church, is not afraide, notwithstanding this often practise of *Popes*, which my ignorant *Adversarie* calleth the practise of the Church, to say, that those *Popes* erred therein, following the Canonists opinion, which he affirmeth to haue in it no shew of probabilitie: And why then may it not be said in like manner, that his Holinesse condemning the Oath as containing in it many things flat contrary to faith and saluation, followed Cardinall *Bellarmines* opinion, and other Diuines of *Rome*, who hold, that the *Popes* power to excommunicate, and inflict Censures is denied in the Oath, and that the doctrine, for the *Popes* power to depose *Princes*, which is denied in the Oath, is certaine and of faith, which their doctrine in my opinion hath in it no shew of probabilitie at all euen according to those rules, which Cardinall *Bellarmino* himselfe requireth to make any doctrine of *Pope*, or generall Council to be of faith. Whereby is plainly discovered the manifest fraude and ignorance of my uncharitable *Adversarie* in affirming my doctrine to be hereticall, and my selfe to be an heretike disguised and masked vnder the vizard of a Catholike, for denying the doctrine for the *Popes* power to depose *Princes* to be of faith, whereas, euen according to the rules which Cardinall *Bellarmino* requireth to make a matter of faith, he cannot bring any one argument, which hath so much as a shew of probabilitie to conuince the same.

Antonin. 3.
pars. tit. 1. cap.
21 §. 3.
Caiet. tom. 1.
opus. tract. 18.
de Matrim. q.
vltima.
Navar. in Ma-
nual cap. 32.
nm. 31.
Henric. lib. 11.
de Matrim. cap.
8. nu. 11. in
Com. lit. F.
Sot. in 4. dist.
27. q. 1. m. 4.

124 Marke now the fraudulent Admonition, which Mr. Fitzherbert giueth to his Catholike Reader, vnder pretence, forsooth, of sinceritie, and the seruent zeale he hath of his soules health. And therefore I hope, saith he, thou wilt be wary (good Catholike Reader) and diligent to discover Widdringtons fraude, thereby to auoide the danger of his poisoned pen. pondering all this matter in the iust ballance of prudence, that is to say, that thou wilt counterpoise his vaine pretence of probabilitie, not onely with the graue and sacred authoritie of the Churches practise for many

e Pag. 323.
nm. 12.

ages; but also with the Canons of generall and Prouinciall Councells, with the Decrees of Popes, and with cleere doctrine of so many famous, and learned Writers, as he impugneth. Also that thou wilt weigh his presumption in defending and iustifying the Oath, with the iudgement & authority of thy supreme Pastour, who condemneth and forbiddeth it, the pretended force and soliditie of his doctrine and arguments, with the ridiculous absurdities, which thou hast evidently seene in his answers to mee; outward shewes of affection to thee, and desire of thy good, with the inward intelligence he hath with Gods enemies, and thine (who employ him to deceiue thee, serving themselves of him, as Fowler doe of birds, which they keepe in Cages for stables, to draw other birds with their chirping into their nets and snares.) Also that thou wilt ballance thy obligation to man, with thy dutie to God, and the losse of thy temporall goods, with the gaine of everlasting glory, from the which the Diuell seeketh by his meanes to debarre thee, and therefore I wish thee euer to beare in minde this comfortable lesson of the Apostle, *Quod momentaneum & leue est tribulationis nostræ æternum gloriæ pondus operatur in nobis.*

125 But on the contrary side, I hope thou wilt bee warie (good Catholike Reader) and diligent, first to discouer the manifest fraud and falshood of this vnlearned and vncharitable man, thereby to auoyde the danger of his slanderous and poisoned pen, in propounding to thee a new article of faith so preiudiciall to the supreme authority of temporall Princes, so dangerous to thy owne spirituall and temporall good, so repugnant to the example and practise of Christ and his Apostles, and of the whole primitive Church, vnknownen to the ancient Fathers, vntill the time of Pope Gregory the seauenth, which at the first broaching thereof, was branded with the marke of nouelty: *This nouelty, not to say heresie, saith Sigebert, A thing unheard of before that age, saith Onuphrius;* and lastly, not confirmed by any one argument, which hath any shew of a probable proofe to confirme, euen according to Cardinall Bellarmines grounds, any doctrine, which hath bene in controuerisie among learned Catholikes, to be certaine and of faith, and the contrary to be hereticall.

126 Secondly, that thou wilt ponder all this matter in the iust ballance of prudence, that is to say, that thou wilt counterpoise his vaine pretended Catholike faith, newly broached in the Christian world, and the childish and ridiculous arguments brought to conuince the same, with the example of Christ and his Apostles, with the practise of the primitive Church, with the doctrine of the ancient Fathers, with the authority of learned Catholikes, who were neuer accounted heretikes, or ill believers, for impugning the same.

127 Thirdly, that thou wilt call to minde, what is required, euen according to Cardinall Bellarmines grounds, to make a matter of faith,

Sigeb. ad ann.
1080.
Onuph. lib. 4.
de varia creat.
Rem. Pont.

so that all *Catholikes* are bound to beleue the same, and that all the *Acts* cuen of *generall Councils* doe not appertaine to faith, but onely the bare *Decrees*, and those not all, but those onely, which are propounded as of faith. * Whereby thou maiest plainly see, that he hath brought no one argument, which hath any colour of a probable prooffe, drawne either from the practise of some *Popes*, which he fallly and fraudulently callerh the practise of the Church, or from any *Canon*, or *Decree* of *Pope*, or *generall Council* or from any other authoritie whatsoever to prooue this doctrine of the *Popes* power to depose *Princes*, to be a point of faith; and that the *Council* of *Lateran* doth neither treat of the deposition of absolute *Princes*, nor propound the doctrine, wherof it treateth, as of faith.

* See also *Estius* in *Præfat. epist. ad Hebræos*. Where also he affirmeth it to be probable, that *Dauid* did not make all the 150. *Psalms*, although the *Council* of *Trent* in the *Decree* of *Canonical Scriptures* expressly mentioneth, *Dauids Psalter* of a 150. *Psalms*.

128. Fourthly, that thou wilt consider the doctrine of *Sotus* before rehearsed, not onely concerning the *Popes* dispensations in lawfull and valide matrimony, when carnall copulation doth not follow, so often practised by diuers *Popes*, which neuerthelesse hee impugneth, as not hauing any shew of probability, but also touching the dutie of subjects towards their *Superiours*, when the command any thing which is preiudiciall to a third person, and the Subject is doubtful of the lawfulness thereof: Whereby thou wilt cleerely perceiue, that it is no presumption to reiect the iudgement of his *Superiour*, albeit he be our *supreme Pastor*, when it is contrary to the iudgement of other learned *Catholikes*, or not to obey his declaratiue commandement grounded thereon, especially humbly propounding to him the reasons of his doubts: Neither is it more presumption for any man to say, that the *Pope* was deceived in his *Breues*, following the doctrine of *Cardinall Bellarmine*, and some other *Divines* of *Rome*, who hold it a matter of faith, that the *Pope* hath authority to depose temporall *Princes*, seeing that many learned *Catholikes* haue euer maintained the contrary, then it was for *Sotus*, and many others of his opinion to say, that all those *Popes* that dispensed in the aforesaid *Marriages* were deceived, following the doctrine of the *Canonists*.

129. Fifthly, that thou wilt weigh my sound *Raphes* and plaine dealing, in propounding to thee sincerely the true state of euery difficultie, and omitting nothing which he objecteth against me; with his childish and ridiculous arguments, and answeres, and false and fraudulent proceeding, in seeking to confound thy vnderstanding with generall and ambiguous words, and which haue diuers senses, which hee omitteth to explaine, and inuolging those arguments, which I my selfe objected, and concealing the answeres, which I made thereunto: and in imposing vpon me many vntuths, thereby to make someshew of impugning my answeres; and in particular concerning the *Lateran* Council, which hee so often saith I doe impugn, and then especial-
ly

ly when I make no mention at all thereof, whereas it is manifest, that I doe not at any time impugne that *Decree* or *Act*, but the exposition, which he and some others make thereof, and I doe expound it according to the grounds and principles of learned Catholikes, both Divines and Lawyers. Also that thou wilt ballance thy durie towards God, with thy obedience due to *Cesar*, and render to either of them that which is their due; neither for feare of disgrace, humane respect, or any other temporall losse thou wilt so adhere to the *Pope*, as to renounce thy allegiance due to thy temporall *Prince*, from which the Deuill by my *Adversaries* means vnder pretence of zeale to the *Sea Apostolike* seeketh to draw thee. And therefore I wish thee euer to beare in minde the expresse commandment of our Sauour. *Render the things that are Cesars to Cesar, and the things that are Gods, to God:* and for thy more particular direction heerein, especially to remember that vnbound principle of *Fa. Lesius*, which aboue in the Preface, * I did also recommend to thy memorie, *A power, which is not most certaine, but probable, cannot bee a ground, or foundation to punish any man, or to deprive him of his right and dominion,* which he really possesseth: for that according to the approved maxime both of the *Canon* and *Ciuill* law, *In a doubtfull or disputable case, the state or condition of the possessor is to bee preferred.*

Matth. 22.

* nu. 15. 16.

De Regulâ Iur-
is in 6^{ta} and ff.
de Regulâ Iuris
In paricâsa.

130 Lastly, to that which this spitefull man objecteth against me concerning my inward intelligence with Gods enemy, &c. thereby to discredit me with Catholikes, and to draw their affection from mee, and to make them beleue, that I am a *Spie*, and haue intelligence with the *State* to seeke the ouerthrow of Catholikes, I answer, that it is a most vncharitable and malicious slander. For I call God to witnesse, that I neither began, nor do continue to write of this dangerous and difficult question at the motion, instigation, counsell, or aduise of any *Protestant* whatsoever, but vpon my owne free will and motion, after long deliberation had concerning all the dangers and difficulties which were like to befall mee thereby, meerely and sincerely for the loue of God, of my *Prince*, and *Countrie* and a desire to know the truth in this important question which so neerely concerneth our obedience due to God and *Cesar*, as I solemnly and sincerely protested in the *Preface* of my first booke.

131 And as for my intelligence with the *State*, I doe sincerely protest, and call God to bee both a witnesse and Reuenger, if it bee not true, that, albeit I haue beene sent for sometimes to my Lord of *Canterburies* Grace, and other times (although but seldome) haue gone vnto him of my owne accord about my owne particular affaires, and should haue gone oftener for diuers respects, but that I thought it best to abstaine, that such slanderous backbiters should not take occasion thereby to make greater clamours against mee, yet I neuer gaue any intelligence or

or information against any *Catholike* man whatsoever, that might bee to him the least preiudice in the world, albeit I haue had sometimes both fit occasion, and iust cause, and which in my conscience I might lawfully haue done in defence of my owne good name, to seeke redresse against some vncharitable persons, who haue most vnconscionably wronged me, and sought my ouerthrow, who although they bee of great account among *Catholikes*, yet if the truth were knowne, they would be most odious to all men for their execrable dissimulation, and vnchristian carriage: Neuerthelesse I thought it best to remit my innocie and the iustice of my cause, to almighty *God*, who in due time will be a iust Iudge, and a seuerer Reuenger, hoping that my patience might in time be an occasion of their repentance. Yet I doe freely confesse and acknowledge that I am infinitely bound to his *Maiestie*, to my Lord of *Canterbury*, & diuers others of high place & degree, (although I haue neuer spoken with them) for many speciall fauours, among which I account this not to be the least, that they haue graciously been pleased to suffer *Catholikes* to make knowne to the world their vnfaigned loyaltie, and how much they detest that horrible and most abominable *Powder treason*, and the bloodie grounds and principles thereof, for all which their fauours and benefits, I will euer pray for their eternall and temporall happinesse, and account my selfe vnable, to giue them sufficient thanks for the same. And truely I doe wish with all my heart, that all *Catholikes* would giue such outward tokens of their true and inward loyaltie, and sincere affection towards his *Maiestie* and the *State*, that they might deserue to receiue some comfortable fauour at their hands.

132 Now for a finall conclusion Mr. *Fitzherbert* will bring a more authentickall testimonie and iudgement, then his owne, concerning my selfe and my writings, to wit, the forbidding of two bookes of mine by a Decree of the *Cardinalls* of the Inquisition, which neuerthelesse, as you shall see, is rather a virtuall confirmation, then any condemnation of my doctrine. And now to conclude, saith he, ^c with a more authentickall testimonie, and iudgement, then my owne, concerning Widdrington and his workes, I thinke good to giue thee heere a true copie of a Decree very lately printed, and published by a Congregation of *Cardinalls*, deputed by his Holinesse for the examination of suspected bookes, who by his Holinesse expresse order and commandement haue condemned and prohibited such bookes of his, as haue hitherto come to their hands, to wit, his Apologie, and Theologicall Disputation. For although they find by a certain Preface annexed to his Theol. Dispu. that he hath written also an other booke against an English Doctor, yet because they haue neuer seene it, they haue not expresse, and separately censured, or named it in the Decree, neuerthelesse the subiect thereof being such, as by the Preface it seemeth to bee (that is to say, containing


the same doctrine that he hath deliuered in his other bookes } all Catholikes may easily indge, what opinion they ought to haue of it, and may iustly expect, that if hee bee a Catholike, as hee professeth to bee, hee will now shew it, not onely changing privately his opinion, but also publicly retracting his doctrine, with all conuenient speede thereby to cleare himselfe, according to an expresse admonition giuen him in the said Decree, vpon paine of such Ecclesiasticall Censures, as shall otherwise be inflicted vpon him.

133

The Copy of the Decree is this.

DECRETUM SACRÆ CONGREGATIONIS ILLUSTRISSIMORUM S. R. E. CARDINALIUM a S. D. N. Paulo Quinto, Sanctæque Sede Apostolica ad Indicem librorum eorundemque permissionem, prohibitionem, expurgationem, & impressionem in vniuersa Republika Christiana specialiter deputatorum vbiq; publicandum.

SACRÆ CONGREGATIO ILLUSTRISSIMORUM S. R. E. CARDINALIUM ad Indicem deputatorum, viso libro falso inscripto, Apologia Cardinalis Bellarmini pro Iure Principum aduersus suas ipsiurationes pro auctoritate Papali Principes Seculares in ordine ad bonum spirituale deponendi; Authore Rogero Widdringtono Catholico Anglo 1611. eiusdemque Authoris alio libro inscripto, Disputatio Theologica de Iuramento Fidelitatis Sanctissimo Patri Paulo Papæ V. dedicata, Abionopoli 1613. vtrumque librum damrandum, atque prohibendum esse censuit; sicuti de mandato Sanctissimi Domini nostri D. Pauli Papæ V. presenti decreto penitus damnat, & prohibet quouis idiomate impressum, aut imprimendum; ac nisi illorum Author, qui se Catholicum proficitur, quam primum se purgauerit, censuris ac alijs pænis Ecclesiasticis intelligat se omnino coerendum. Mandat autem, quod nullus deniceps cuiuscunq; gradus & conditionis sub pænis in Sacro Concilio Tridentino, & in Indice librorum prohibitorum contentis, supradictos libros audeat imprimere, aut imprimi curare, vel quomodocunq; apud se detinere, aut legere, & subijisdem pænis præcipit, vt quicunque nunc eos habent, vel habuerint in futurum, locorum Ordinarijs, seu Inquisitoribus statim a presentis decreti noticia illos exhibeant. In quorum fidem præsens decretum manu, & sigillo Illustrissimi, & Reuerendissimi Domini D. Cardinalis S. Cecilia, Episcopi Albanensis signatum, & munitum fuit, die 16. Martij 1614.

P. Episcopus Albanensis Cardinalis S. Cecilia Locum  Sigilli.

Reg. fol. 50.

Fr. Thomas Pallanicinus Ordinis Prædicatorum, Secretarius.

Rome, ex Typographia Camera Apostolicæ. 1614.

A De.

A Decree.

TO bee published euery where made by the Sacred Congregation of the most Honourable *Cardinalls* of the holy *Roman Church*, specially deputed by our most holy Lord Pope *Paul* the fifth, and the holy *Apostolike See*, for the examination of bookes, and their permission, prohibition, purgation, and impressiō throughout the vniuersall Christian Common-wealth.

The Sacred Congregation of the most Honourable Cardinalls of the holy Roman Church, deputed for the examination of bookes, hauing scene a booke falsly intituled, An Apologie of Cardinall Bellarmine for the right of Princes, against his owne reasons for the Popes authoritie to depose Secular Princes in order to spirituall good, written by Roger Widrington an English Catholike, in the yeere of our Lord 1611. and another booke of the same Authour, intituled, A Theologicall Disputation concerning the Oath of Allegiance, dedicated to the most holy Father Pope Paul the fifth, Printed at Albinopolis in the yeere of our Lord 1613. hath iudged both the bookes worthy to bee condemned and prohibited, and by the commandment of our most holy Lord Pope Paul the fifth, doeth by this present Decree utterly condemne, and prohibite them in what language soeuer they are printed, or to be printed; and except the Authour of them, who professeth himselfe to be a Catholike, doe cleare himselfe forthwith, hee is to vnderstand, that hee shall bee thoroughly punished with Censures, and other Ecclesiasticall penalties. Furthermore it commandeth vnder the penalties contained in the holy Conneell of Trent, and the Index of forbidden bookes, that none of what degree, or conditiō soeuer, be so bold from henceforth to print the foresaide bookes, or cause them to bee printed or keepe them with him in any sort, or reade them. Also it commandeth vnder the same penalties, that whosoever hath them now, or shall haue them heereafter, hee shall presently vpon the knowledge of this present Decree exhibite them to the Ordinaries of the places (where he is) or to the Inquisitours. In testimony whereof this present Decree was signed, and sealed with the hand and seale of the most Honourable and most Reuerend Lord, the Lord Cardinall of S. Cecilia Bishop of Alba the 16. of March. 1614.

P. Bishop of Alba Cardinall of S. Cecilia,

The place  for the seale.

Regist. fol. 50.

*Fr. Thomas Pallanicinus of the Order of the Preachers,
Secretarie.*

Printed in Rome by the Printer of the Apostolicall Chamber. 1614.

Tt 2

14 To

134 To this Decree may bee added a Letter, which the Popes Nuncius in *Flannders* wrote from *Bruxels* to Mr. *George Birket* then Arch-Priest, touching my *Theologicall Disputation*, dedicated to his Holinesse; the Copie whereof is this.

Admodum Reuerende Domine vti frater in Christo dilectissimé.

Pervenit in urbem Disputatio Theologica de Iuramento Fidelitatis, tertium sub Widdringtoni nomine vulgatum opus. Ibi cum diligenter examinatum sit, declaravit Sanctissimus D. N. nullo modo se dicti operis dedicationem acceptare, & illius Authorem neque Ecclesie filium, neque Catholicum existimare, omnesque insuper Catholicos ab illius lectione abstinere prorsus debere. De his ante paucos dies per Sanctæ Romanæ Inquisitionis Congregationis literas, de mandato sue Sanctitatis edoctus sum, ut de iisdem ad Dominationem tuam imprimis scriberem, quò eadem istis Catholicis significes, ac pro tua prudentia innotescere cures. Deu Dominationem tuam Cælesti sua custodia munias. Bruxellis 16. Novembr. 1613.

Admodum Reuerende Dominationis tuæ

Amantissimus & studiosus.

Very Reuerend Sir, and as a Brother most beloued in Christ.

THere came into the Citie of *Rome* a *Theologicall Disputation*, concerning the Oath of Allegiance, the third worke published vnder the name of *Widdrington*. After it was there diligently examined, our most Holy Lord declared, that he in no wise accepted the *Dedication* of the said Worke, and that he thought the *Authour* thereof to bee neither a childe of the Church, nor a Catholike; and moreouer, that all Catholikes should abstaine from the reading thereof. Of these things I was certified some few daies since by Letters of the *Congregation* of the *Holy Romane Inquisition*, by the commandement of his Holinesse, to the end that first of all I should write thereof to your Renouence, that you may signifie the same to Catholikes there, according to your wisdom

done to make it knowne to them. God defend your Reuerence with his heauenly custodie. From *Bruxels* the 26. of *Novemb.* 1613.

Of your Reuerence most loving and respectiue.

135 Now from this Decree Mr. *Fitzh.* concludeth this last Chapter, and his whole *Replie* in this manner. So as, saith he^e, I hope (*Catholike Reader*) thou shalt shortly be out of all doubt of what Religion *Widdrington* is; for if now, after that this controuersie of the Oath hath bene many yeares debated, and discussed by the learned *Catholikes* of diuers Nations, and determined by two Apostolicall Breues, yea, and that his owne Bookes written in defence of the Oath, are condemned by his Holinesse, and bee himselfe peremptorily admonished vnder paine of Ecclesiasticall Censures, to cleare and conformance himselfe without further delay; if now, I say, after all this he will pretend (as hitherto he hath done) that his Holinesse is still ignorant of the true state of the question, or that he is deceived & deluded by others; or else if he seeke other new shifts, evasions, or delays to excuse, or deferre his conformitie to the iudgement of his *supream* Pastour, he shall shew himselfe to be either a scabbed or rotten sheepe, worthy to be excluded out of the fould (for feare bee infect others) or else a rauening Wolfe clad in a sheepes skinne. Besides that, it will euidently appeare, that all his former pretences to be a *Catholike*, and his submissions to the *Sea Apostolikes*, haue proceeded from no other ground, but from a deepe dissimulation, or rather an artificiall and execrable hypocrisie, to delude and deceiue *Catholikes*, which I leaue (good *Catholike Reader*) to thy prudent consideration, and humbly beseeching Almighty God from the bottome of my heart to illuminate and inspire him with his grace, that he may see his owne lamentable estate, and prevent the danger of his soule, wherein he runneth headlong, if he continue his wonted course.

f Pag. 115.
num. 15. & 26.


g He should
haue said to the
Catholike
Romane
Church, for
these be *Widdringtons* ex-
presse words.

136 But to this Decree of the Lord Cardinals, and to the letter of the *Popes Nuncius* to Mr. *Birkett*, and also to all that which Mr. *Fitzherbert* concludeth from the aforesaid Decree, there needeth no other answer, then to set downe my *Purgation*, & humble *Supplication* to his Holinesse, wherein I desired to know any one thing, w^{ch} in the Oath is repugnant to faith or saluation, as his Holinesse in his *Breues* declared, that there are many things in the Oath flat contrary to faith and saluation, or any one thing in my bookes, which are against faith, or good manners, protesting with all sinceritie, to correct what is to be corrected, to purge what is to be purged, to explaine what is to be explained, and to retract what is to be retracted. Whereby it will euidently appeare, that I still remaine an obedient childe of the Church, and a true *Catholike*, and that my submission to the *Catholike Romane Church* was sincere, vnfaigned, and did not

proceed from the least dissimulation at all, and that from the afore said Decree no colourable argument can be drawne to prooue me to be no Catholike, and childe of the Church, and to condemne or disprooue, but to iustifie, and to approoue as well the *Oath*, as the doctrine, which I haue taught in my Bookes.

137 This therefore is the Copie of my Purgation, and humble Supplication to his Holinesse, which for satisfaction of some Catholikes, who perchance haue not seene it, and also for some other respects I thinke it not amisse to set downe here againe.

*To the most Holy, and most blessed Father Pope Paul the fift,
Roger Widdrington an English Catholike, wisheth euer-
lasting happinesse.*

cc 1  Here came vnto my hands some few daies since, (most
cc blessed Father) a certaine Decree of the Sacred Con-
cc gregation of the right Honourable Cardinals of the
cc Holy Romane Church, who are deputed for the exa-
cc mining of Bookes, dated the 16. day of March, of this present yeare 1614.
cc and printed in Rome by the Printer of the Apostolicall Chamber,
cc wherein two Bookes written by me in sincerity and simplicity of heart, are
cc by name, but yet onely in generall words, without naming any crime either
cc in particular, or in generall (at which many doe murnaile) altogether con-
cc demned and forbidden by the commandement of your Holinesse; And
cc the Authour of them, vntlesse he shall forthwith purge himselfe, is threat-
cc ned to bee punished with Censures, and other Ecclesiasticall punish-
cc ments.

cc 2 But what manner of purging your Holinesse doth expect at my
cc hands, who am the Authour of those Bookes, and of what crime I ought
cc to purge myselfe (seeing that in this Decree there is no crime either in
cc particular or in generall objected against me, of which I should purge my
cc selfe, neither in my conscience priuie to any crime for the making or publi-
cc shing of those Bookes) I cannot verily in any wise perceiue. I know that
cc certaine Doctours misinterpreting my words, haue in their publike wri-
cc tings falsly, and very iniuriously, and not to speake a more heinous word
cc (I pray God to forgive them) impeached mee of certaine crimes (by whose
cc instigation I know not whether your Holinesse hath bene moued to can-
cc demne those Bookes) but considering that both they are my Aduersaries in
cc this controuersie, and that they are moued in my opinion, rather by affe-
cc ction, then by solide reason, and also that they doe fouly corrupt my words,
cc and

cc and wrest them to a bad sense, and neuer meant by mee (as I could most
 cc clearly demonstrate^a to your Holinesse, if it were now a convenient
 cc time) I doe not thinke that so great authority is to bee giuen, either to their
 cc sayings, or writings, of what learning or dignity soener otherwise they bee,
 cc that they are of force to binde me, either to embrace their opinions, especi-
 cc ally being grounded vpon so weake foundations, or not to defend my inno-
 cc cency from their false accusations in such an exceeding great crime, as he-
 cc resie is.

a This I haue
 since demon-
 strated to his
 Holinesse in
 the dictionery of
 D. Schulcke-
 nius, or rather
 Card. Bellar-
 minas *scandals*.

cc 3 And that your Holinesse may cleerely perceiue, that I haue al-
 cc ready in the bookes, which are forbidden by your commandement,
 cc purged my selfe as much, as is sufficient for a childe of the Catholike
 cc Church, I thinke it necessary to repeat againe, with as much breuitie as
 cc may be, in what manner I haue in those bookes made profession of the Ca-
 cc tholike faith (which in my opinion abundantly sufficeth for the purging
 cc of my selfe from all imputation of heresie, error, or any other crimes,
 cc which doth depend on these) and for what thing I made Supplication to
 cc your Holinesse in that Disputation of the Oath of Allegiance, that
 cc thereby your Holinesse may manifestly perceiue, that some persons, not
 cc of the meanest degree, although perchance with the ignorant sort of peo-
 cc ple, they doe greatly impair my credit, yet they doe also bring your Ho-
 cc linesse into no small obloquy, both among prudent Catholikes, and especi-
 cc ally among those who are Aduersaries to the Catholike faith, whilae
 cc they are not afrayde to divulge (not so circumspectly in my iudgement as
 cc is fitting) that your Holinesse did in good earnest auouch, that you
 cc thought the Authour of that Disputation, to be neither a Catholike,
 cc nor a childe of the Church (whereas the Authour doth professe himselfe
 cc both to be a Catholike, & a childe of the Catholike Romane Church,
 cc and also submitte most humbly that Disputation, and all his other wri-
 cc tings to the iudgement of the Holy Catholike Romane Church) nei-
 cc ther that you would accept of the Dedication of that booke, whereas that
 cc Dedication, as it is manifest by the Authors Epistle to your Holinesse,
 cc was onely a most humble Supplication of the Author, and of other Ca-
 cc tholikes to your Holinesse, that your Holinesse, as being the supreme
 cc Pastour of the Catholike Church, and whose office is to instruct, and
 cc confirme the sheepe of Christ in the Catholike faith, would be pleased to
 cc instruct them in the Catholike faith, and in those things, which your
 cc Holinesse had declared by your Breues, to be in the Oath cleerely purg-
 cc nant to faith and saluation. And that your Holinesse did speake the a-
 cc foresaid words, both of the Author, and also of the Dedication, some
 cc here gine forth, that your Holinesse his Nuncius then residing at
 cc Bruxells did signifie as much to M. George Birket the Arch-Priest,
 cc who was then living, and that the same Nuncius did withall affirme, that

b These letters were dated at Bruxels 12th Novemb. 1613. & are to be scene above no. 134.

cc he was certified thereof some few daies since, (for so are the expresse words of the Nuncius his letters, which are carried about among vs) by letters of the Congregation of the holy Romane Inquisition, by the commandement of your Holinesse, to the end, that hee first of all should write thereof to his Reuerence, that hee according to his wisedome should signifie as much, and make it knowne to Catholikes.

In Apol. ad
Lect. in fine.

In Disp. Theo.
in fine.

In Disp. c. 6. sec.
3. m. 18. & seq.

cc 4 First, therefore I the Author of those bookes did protest, that I composed them, being mouued thereunto for the zeale of God, of Religion, and of my Countrey, and for more particular reasons, which I related in the beginning of those bookes, without any respect of worldly fauour, or feare, neither with any obstinate minde, but onely to finde out the Catholike truth, in this most weighty Controuersie, which belongeth to the yeelding of obedience due by the law of Christ, to God and Caesar, to your Holinesse, who is the supreme Pastor in earth of our soules, and to our King his most excellent Majesty, who in temporalls is inferiour onely to God; and I did submit most humbly, whatsoeuer was contained in them, to the iudgement and censure of the Catholike Romane Church, whose child I professed myselfe to bee; and that if perchance any thing through ignorance had escaped mee, which should not bee approoued by her, I did disprooue it, condemne it, and would haue it for not written.

cc 5 Besides, I did professe, that with all due honour and respect I did reuerence all the Canons of the Catholike Church, although I did freely confesse, that betwixt the Catholike Church and the Pope, who is onely the first and principall member thereof, betwixt some Chapters, or Decrees of the Canon-Law, and betwixt others a great difference is to be made; and neuerthelesse I sincerely affirmed, that to euery one, in his degree and place, I gaue dutifull, but not equall credit. For in the vast Corps of the Canon-Law, and in the volumes of the Councells are contained, either sayings, or assertions of the ancient Fathers, or Decrees, or sentences of Popes or Councells; and these are either doctrinall, and propounded as things to bee believed by the faithfull, or else morall, and which in the externall discipline of the Church are commanded to be obserued.

cc 6 And first, I did acknowledge, that the doctrine which the Ancient Fathers, either in expounding the holy Scriptures, or in questions belonging to faith, haue with vniforme consent deliuered, I did also vndoubtedly beleue, as being certainly perswaded, that it was inspired by the Holy Ghost.

cc 7 Secondly, I also with Melchior Canus, and other Diuines affirmed,

“ *med*, that the doctrine also of all the holy *Fathers* in things, which
 “ doe appertaine to faith, may piously and probably bee beleueed by
 “ *Catholikes*, yet that it ought not of necessitie to be followed as cer-
 “ taine and infallible.

“ 8 *Thirdly*, I did *professe*, that the definitions of *Generall Coun-*
 “ *cells* lawfully assembled, and confirmed by the *Pope*, wherein any
 “ doctrine is propounded to the whole *Church*, to be beleueed of all
 “ men as of Faith, are to be receiued by *Catholikes*, as infallible rules
 “ of Faith. Neuerthelesse I *did freely affirme* with the aforesaid *Mel-*
 “ *chior Canus*, and Cardinall *Bellarmino*, that those opinions, which in
 “ the said *Councils* are defined, or else supposed onely as probable, and
 “ those assertions, which either incidently, and by the way are infer-
 “ red, or for better declaration or prooofe of their decisions be produ-
 “ ced, are sometimes subiect to error, and may by *Catholikes* without
 “ any wrong to the *Catholike* faith be reiected. This withall obseruing,
 “ of which also in other places I haue admonished the *Reader*, that al-
 “ though I professing my selfe to be a childe of the *Catholike Romane*
 “ *Church*, doe most willingly imbrace whatsoeuer *Generall Councils*
 “ confirmed by the *Pope*, which represent the *Catholike Church*, doe
 “ propound to the faithfull as necessarily to be beleueed of faith, and
 “ which certainly, and evidently is knowne to be the true sense and
 “ meaning of the *Councils*; Neuerthelesse, I doe not vndoubtedly be-
 “ leuee every doctrine which either Cardinall *Bellarmino* (speaking
 “ with due reuerence) or any other *Doctour*, seeing that they are not
 “ appointed by *God*, to be an vndoubted rule of the *Catholike Faith*,
 “ doe cry out to be *Catholike* doctrine, to be the voice of the *Catholike*
 “ *Church*, to be the meaning of the *Scriptures*, and *Councils*, if especi-
 “ ally some *Catholike Doctours* doe hold the contrary; Them truly,
 “ as it is meete, I doe reuerence with all dutifull respect, and I doe
 “ much attribute to their authoritie, but that all those collections,
 “ which they in their iudgements doe imagine to be evidently con-
 “ cluded from the holy *Scriptures* or *Councils* (considering that of-
 “ tentimes they are deceived and doe deceiue, and what they haue
 “ written when they were yonger, they may recall when they grow
 “ elder) are to be accounted for vndoubted assertions of faith, and the
 “ contrary opinion of other *Catholikes* to be rather esteemed an *here-*
 “ *sie*, then an *opinion*, this truly I cannot take in good part.

“ 9 *Fourthly*, concerning the *Canons*, or *Decrees* of *Generall Coun-*
 “ *cells* belonging to *manners*, and to the externall gouernment of the
 “ *Church*, I *promised* to be most ready to receiue willingly all those *De-*
 “ *crees*, which in places where I shall liue shall be generally receiued;
 “ for these are properly called the *Decrees* or *Canons* of the *Catholike* or
 “ *vninerfall*

For Card. Bel-
larmine him-
selfe in his old
age hath recal-
led many things,
which he wrote
when he was
yonger, and per-
chance he now
growing elder
will recall more.

cc *vninerfall Church*, which are by common consent admitted by the
 cc *Vniuersall Church*. Neither doubtlesse is any man bound to admit
 cc those Lawes and precepts, which in the Countrey where he liueth,
 cc are not obserued by the people, as according to the receiued opinion
 cc of *Diuines* and *Lawyers* I there affirmed. And the same I there auow-
 cc ed is to be vnderstood proportionally of the *Decrees* of *Popes* and
 cc *Provinciall Councils*. For as concerning the *Popes* definitions belon-
 cc ging to faith, if he define without a *Generall Council*, I confesse, that
 cc I haue oftentimes auerred, that very many, especially ancient *Di-*
 cc *nines* of the *Vniuersitie* of *Paris*, whose names I there related, are of
 cc opinion, that such *Definitions*, vnlesse they be received by the *Catho-*
 cc *like Church* as *Definitions* of *Catholike Faith*, are subiect to errour,
 cc whose opinion, both for the authoritie of so famous men, and also
 cc for the reasons and grounds, whereon that opinion is founded, I
 cc with many later *Diuines* (to whose opinion also *Cardinall Bellar-*
 cc *mine* himselfe doth plainly enough incline, howsoever he would
 cc seeme also to auerre the contrary) haue also oftentimes affirmed,
 cc that it is not to be condemned of heresie, errour, or temeritie, which
 cc also now againe (speaking with all dutifull submission) I feare not to con-
 cc firme.

c Cap. 10. sec. 2.
 nu. 17.

d Lib. de Con-
 cil. cap. 13.
 e Lib. 4. de
 Rom. Pont. c.
 2. li. 2. de
 concil. cap. 17.

cc 10 Lastly, concerning my Disputation of the Oath, and the Dedi-
 cc cation thereof, which seemeth to be that stone of offence, and rocke of scan-
 cc dall to some *Diuines*, especially of the Society of Iesus, and to those *Catho-*
 cc *likes* who adhere to them, I cannot, to speake vnfaignedly, in any wise vn-
 cc derstand what can iustly be objected against it, or what fault I haue com-
 cc mitted, either in making it, or else in dedicating it to your Holinesse, of
 cc which I should purge myselfe. For first of all I the Author of that
 cc Disputation, and Dedication, haue therein professed, that I did not write
 cc it with any obstinate mind, but in manner of an humbly petition
 cc sincerely, and for many reasons, which I there related, to informe
 cc your Holinesse more fully, who as heere we thinke, hath not bene
 cc rightly informed of the reasons, for which *English Catholikes* are of
 cc opinion, that the Oath may lawfully be taken; and for this cause I
 cc did dedicate it to your Holinesse that after you had carefully examined
 cc all the reasons, for which *English Catholikes* doe thinke the Oath may
 cc lawfully be taken, your Holinesse might provide, both for their spiri-
 cc tuall and temporall safety, as according to your fatherly wisdom
 cc and charitie should be thought most conuenient. And therefore, as in
 cc the end of that Disputation I affirmed, I did faithfully set downe all the
 cc chiefest arguments, which are usually alledged as well against the ta-
 cc king of the Oath, as in fauour thereof; neither did I affirme any
 cc thing of my owne opinion, but onely as representing the persons of
 cc them,

" them, who of set purpose do publicly maintain, that the Oath either
 " may, or may not be lawfully taken, leauing it to the Fatherly care of
 " your Holinesse, that when you haue bin fully informed of the whole
 " progresse of the matter, and haue diligently examined all the reasons,
 " for which *English Catholikes*, obeying the *Kings* commandement, haue
 " taken the Oath you will be pleased particularly to approue them, or
 " to condemne them, that *Catholikes* in this so most weightie a matter,
 " which doth so neerely concerne the prerogatiue of your *spirituall*
 " *Authoritie*, and of his *Maiesties Royaltie*, being fearefull to resist your
 " *Holinesse* precept declared in your *Breues*, and also being desirous to
 " obey, as much as with a safe conscience they may, his *Maiesties*
 " commaund, may cleerely perceiue, which particular clausles of the
 " Oath, they are bound to admit, and which they are bound to re-
 " iect, and may in plaine and expresse tearmes without any ambiguity
 " of words be instructed by your *Holinesse*, in what manner they may
 " satisfie their owne conscience, your *Holinesse* will, and also his *Mai-
 " esties* desire concerning all the particular parts of the Oath. For as
 " they are very ready to hazard their whole temporall estate, and also
 " to loose their liues for the *Catholike faith*, which by the *Church* (to
 " whom this office belongeth to define matters of faith, and not to
 " priuate *Doctours*, who may deceiue and be deceived) is declared to be
 " triuely the *Catholike faith*; so doubtlesse they are vnwilling to expose
 " themselves, & their whole Family and Posterity, which this our age
 " doth so much labour to aduance, to eminent danger of their tempo-
 " rall viter ruine, onely for opinions; although they be maintained by
 " the greater and better part of *Diuines*, so that others, although farre
 " fewer in number, doe defend the contrary. But as they are desirous
 " with all their hearts to obey your *Holinesse* in spirituall matters, and
 " in those things, which cannot be omitted without sinne, so also they
 " might iustly thinke themselves to be more hardly vsed, then chil-
 " dren are wont by their Parents; if in these times specially, wherein
 " by reason of the *Catholike faith*, which they professe, they haue grie-
 " uously incurred his *Maiesties* high displeasure, who is of a contrary
 " Religion, they should without sufficient reason be forbidden to giue
 " that temporall *Allegiance* to his *Maiesty* which they perswade them-
 " selves to be by the *Law* of *Christ* due to him, hauing alwayes before
 " their eyes that commaundement of *Christ* our *Sauour*, *Rendre to
 " Caesar the things that are Caesars; and the things that are Gods,* *Matth. 22.
 " to God.*
 " 11 And that your *Holinesse* may yet more cleerely perceiue, that
 " this my Disputation of the Oath (which is rather to be called a most hum-
 " ble Supplication to your *Holinesse*) was written in manner of an humble

ble Petition, I thinke it not amisse to repeat also word by word these very last words of my Epistle to your Holinesse.

12 This therefore (most Holy Father) is our most humble Supplication to your Holinesse. First, that your Holinesse will be pleased to examine diligently the reasons, for which our English Catholikes doe thinke the Oath may lawfully be taken, and whereof they are perswaded your Holinesse is not yet rightly informed. Secondly, that after you haue thoroughly examined them, you will vouchsafe in regard of your Pastorall carefulnesse to instruct them, what parts of the Oath are (I doe not say according to the probable opinion of some *Disputours*, but according to *Catholike doctrine* necessarily to be believed by all Christians) repugnant to faith and saluation, and therefore cannot be taken by any *Catholike* with a safe and probable conscience: Thirdly, that if your Holinesse shall find, that you haue not bene rightly informed of those reasons, for which our English Catholikes are of opinion, that the Oath may lawfully be taken, and that therefore they haue not in a matter of so great weight proceeded rashly and vnadvisedly, you will be pleased to receiue them, and their Priests into your ancient fauour, and that if they, or any of them haue, not through their owne fault, but through the indiscreet zeale of others suffered any losse, or detriment in their good names, or other wayes, it may be restored againe to them in that best manner, as shall seeme conuenient to the charitie, iustice, and wisdom of your Holinesse.

13 Now what there is contained in this our humble Petition, against which your Holinesse hath iust cause to take so high displeasure, that you will not accept thereof, I remit to the iudgement of indifferent men, but especially of your Holinesse. For by that which we haue said, it doth manifestly appeare, that this Disputation of the Oath was for that end composed by me, to informe your Holinesse, (who is the supreme Pastour of the Catholike Church, and to whom Christ our Lord hath giuen charge to feede his sheepe, not onely with precepts and Censures, but also with the word of Doctrine, and to instruct them in the Catholike faith) truly of our state, and to propound vnto your Holinesse sincerely, and with all dutifull submission those doubts, and difficulties, which both to my selfe and to other Catholikes doe occurre about this new Oath, which is commended by his Maiestie, forbidden by your Holinesse, and daily taken by almost all Catholikes of the better sort, to whom it is tendered, yea even by those, who haue the Iesuits for their Disputours, howsoeuer those Fathers doe in outward shew seeme to condemne the same; that after your Holinesse had duely examined the reasons, and arguments, which are usually alledged on both sides, against, and for the taking of the Oath, you would

" would be pleased to satisfie our consciences, and to make knowne unto vs,
 " what parts of the Oath may, according to the principles of the Catholike
 " faith, be lawfully, and what parts may not lawfully be taken; and lastly to
 " declare unto vs which be those many things, which your Holinesse being
 " not rightly informed by some, as we imagine, hath affirmed in your
 " Breues to be cleerely repugnant to faith, and saluation; for no man, be he
 " neuer so great an enemy to the Oath, dare avouch, that all things contain-
 " ed in the Oath, are repugnant to faith, or saluation.

" 14 Now I beseech your Holinesse to iudge, first, whether I the
 " Authour of those Bookes, who haue professed my selfe to be a Catholike.
 " and a Child of the Catholike Romane Church, and haue subscribed all
 " my writings to her iudgement, and Censure, with that submission, that
 " whatsoever should not be approoued by her I would disprooue, condemne,
 " and haue it for not written, ought to be iudged by the Supreme Pastour,
 " and Father of the Catholike Church to be no Catholike, nor a child
 " of the Catholike Church. If I be no Catholike, doubtlesse I must bee
 " an heretike, and defend obstinately (seeing that heresie, to be imputed to
 " sinne, cannot be without obstinacie) some doctrine contrary to the Catho-
 " like faith. But (to say nothing at this time of the doctrine, which I main-
 " tained in those Bookes, which if it were cleerely hereticall, why did not that
 " Sacred Congregation condemne those Bookes as hereticall?) I prote-
 " sted to write nothing obstinately, but with an humble and submissive minde,
 " and ready to recall my error, as soone as I should perceiue to haue erred:
 " in any thing. I confesse indeed that I may erre, but by Gods assistance:
 " I will neuer be an heretike. And if perchance in any thing I haue erred,
 " it is no error of malice or obstinacie, but of ignorance: For I will neuer by
 " Gods his protection, wittingly, and willingly defend anything at all, which
 " I shall know to be contrary to sound Doctrine, or to the Catholike faith.

" 15 Secondly, concerning that which some men, to no small scandall
 " to Catholike Religion, and to the great disgrace of the Sea Apostolike,
 " especially among those who be Aduerlaries to the Catholike Religion, do
 " give out, that your Holinesse should say, that you would not accept the
 " Dedication of my Disputation concerning the Oath, or rather the most
 " humble Supplication of my selfe and of other Catholikes, as I haue shew-
 " ed before, this onely at this present I will say, that we English Catholikes
 " are doubtlesse most miserable, who daily enduring so many discomforts
 " of this life for the Catholike faith which we professe, and hauing prouoked
 " his Maiestie, a Prince otherwise most mercifull, who professeth the contrary
 " Religion, to take displeasure against vs, which of all the rest we account most
 " grievous, and hauing therefore for a long time bene, and are daily made
 " a pitifull spectacle to this whole Kingdome, now by humble Petition crav-
 " ing to bee instructed by your Holinesse in those things, which you by
 " your

" your Apostolicall Breues have to our most great temporall preiudice
 " declared to be manifestly repugnant to faith and saluation, doe not onely
 " not deserue so much at your hands, as to be heard herein, but your Holi-
 " nesse doth forbid and condemne our Petition, and doth threaten the Au-
 " thour to be punished with Censures, and other Ecclesiasticall punish-
 " ments, vntles he purge himselfe forthwith, & yet after an vnusuall man-
 " ner impeacheth him of no crime, whereof he should purge himselfe.

" 16 For behold (most blessed Father) how miserable and to be pit-
 " tied is our case. Our Kings most excellent Maiesty, to whom by the law
 " of Christ we owe temporall allegiance, doth demand of vs, vnder paine of
 " incurring most grieuous penalties, an Oath which he affirmeth to be one y
 " a temporall Oath, and of temporall Allegiance; your Holinesse, to whom
 " by the law also of Christ wee are bound to obey in spirituals, hath by your
 " Breues altogether condemned the same, as containing in it many things
 " flat contrary to faith and saluation; and hath withall declared, that
 " all those Priests, who either doe take the said Oath, or doe teach, or shall
 " teach that it may lawfully bee taken, shall bee deprived of their faculties:
 " Wee English Catholikes, being betwene these two narrow straights,
 " and fearing least that by avoiding the gulfe of Caribdis, we should fall vp-
 " on the rocks of Scilla, that is, least that wee should not render to God, or
 " Cæsar, that which is their due, doe most instantly request your Holinesse,
 " who is our Supereme Pastour in spirituals, and whose proper office is to
 " instruct and confirme the sheepe of Christ in the Christian faith, that you
 " will bee pleased to shew vnto vs those many things, or at least wise one a-
 " mong those many, which in this Oath are so repugnant to faith and saluati-
 " on, to the end that we may both satisfie our owne consciences, and also fulfill
 " your Holinesse, and his Maiesties commands; as much as in vs lyeth,
 " and Catholike Religion will permit: And neuerthelesse your Holinesse
 " doth not onely not admit our Petition, wherein with all dutifull submission
 " we doe propound the reasons and arguments, which are vsually objected a-
 " gainst, and for the taking of the Oath, to be examined by your Holinesse,
 " and affirming nothing of our owne opinion, but you doe also by the euill in-
 " formation of others, as we are perswaded, wholly condemn the same without
 " alledging any crime either in particular or in generall against it: and doe
 " declare, that the Authour thereof, or your humble Petitioner, except
 " he purge himselfe forthwith, shall be grieuously punished, and neuerthelesse
 " you make no mention of any crime at all, whereof hee should purge him-
 " selfe.

" 17 Is it perchance a crime for those that are in ignorance, error, and
 " doubt, to haue recourse to the supreme Pastour, and Doctour of the
 " Church, to be instructed by him in faith, and with due submission to pro-
 " pound to him the doubts and difficulties, which trouble both their owne and
 " other

other mens consciences, to be answered and satisfied by him, and that not
 in things of small moment, but in such as under paine of incurring great pe-
 nalties doe belong to the yielding of due obedience to God and Cæsar? Is
 it a crime for children that are hungry to crave bread of their Father, for
 sheepe that want Pasture to require foods of their Sheeheard, for Dis-
 ciples that are ignorant to beseech humbly some instruction of their Ma-
 ster and Teacher? Wee English Catholikes doe acknowledge your
 Holinesse to be our spirituall Father, Pastour, and Master, and doe most
 humbly request to be instructed by your Holinesse in the Catholike faith,
 and in those many things, which your Holinesse by your Bröues hath
 declared to be plainly repugnant to faith and salvation; and your Ho-
 linesse doth damne, and forbid our Petition, and doeth ordaine, after
 a manner altogether vnsuall, that I the Authour thereof, who in the
 name of the rest haue written, and composed the same, except I purge
 my selfe very speedily, shall bee punished most severely: For, as I thinke,
 in no tribunall on the earth this custome is to bee found, that any man is
 compelled by sentence of the Iudge to purge himselfe under paine of in-
 curring most grievous punishments, vlesse the Iudge doth make knowne
 vnto him the crime, for which, if he doe not purge himselfe, he is to be con-
 demned; Besides, that it is impossible for one to purge himselfe of that
 crime, whereof hee is ignorant.

18. And to speake freely the truth (for now I being summoned
 before the highest tribunall on earth to purge my selfe, am by the law it
 selfe permitted to speake somewhat more freely, so that I speake truly and
 modestly) this new kinde of condemning the booke of Catholike Au-
 thours, and of commanding the Author to purge himselfe forthwith, be-
 ing made by such a publicke Decree, and under paine of incurring the pe-
 nalties contained in the Councell of Trent, and in the Index of forbid-
 den booke, without naming any crime either in particular, or in generall,
 for which they are condemned, and of which the Author should purge
 himselfe (considering that the same punishment is not appointed in the In-
 dex for reading without distinction all sort of forbidden booke, neither
 doe all crimes require the same Purgation) doth make both the Sea A-
 postholikes odious to the Adversaries of Catholike Religion, who will ea-
 sily from hence take occasion to perswade themselues, that the Bishops of
 Rome are wont to reiect at their pleasure, and to suppress violently by
 threatening; and not by reason or argument those opinions, which they doe
 not like; and to promote by fauour, and not by reasons those opinions which
 are pleasing to them; and also doth little satisfie prudent Catholikes,
 who can hardly perswade themselues, that the Sacred Congregation
 of the right Honourable Cardinalls, who are reputed for the exami-
 nation of booke, (to whose informations your Holinesse giuing credit as

we are assuredly perswaded, hath condemned those bookes, and ordained,
 that the Author shal be severely punished, unless he purge himselfe forth-
 with) if they could haue found in them any proposition, which is certainly
 knowne to be hereticall, erroneous, or repugnant to sound doctrine,
 they would haue passed it ouer with such great silence, and (contrarie to
 the vsuall manner of the Sea Apostolike in condemning the bookes of
 Catholike Authors, but of such especially who are commanded vnder
 paine of Censures to purge themselves forthwith, as by innumerable
 examples, which are extant in the Tomes of the Councells, and in the
 Bulls of Popes I could demonstrate) command the Author to purge
 himselfe onely in generall words, without shewing any crime either in par-
 ticular, or generall, of which he should purge himselfe.

19 I therefore the Author of those bookes, whom the Sacred
 Congregation, by the commandement of your Holinesse hath enioyned
 to purge myselfe, but as yet I know not of what crime, a most duiſfull
 childe of the Catholike Romane Church, and of your Holinesse in
 spiritnalls, and withall a most loyall subiect of the Kingdome of Eng-
 land, and of our Soueraigne Lord KING IAMES in temporalls, be-
 ing summoned before your Holinesse his supreme tribunall to purge my
 selfe, prostrate at your Holinesse feet, doe humbly request you, by the
 dreadfull Maiestie of God, the Supreme Iudge of all; First, that your
 Holinesse will iudge that which is right, and doe me iustice, and not giue
 credit to the information of them who are my Aduersaries in this contro-
 uersie, and haue fowly corrupted my words contrary to my meaning, but
 that you will examine my cause by your owne certaine knowledge, and that
 you will make knowne to me all those things, or at least wise, some of them,
 which in those my bookes condemned by your Holinesse commandement
 are cleerely knowne to bee repugnant to faith or good manners. For
 I protest, that I am most readie to correct those things that are to bee
 corrected, to purge what is to be purged, to explaine what is to be explained,
 and to retract what is to be retracted.

2 Secondly, that if your Holinesse after due examination of my
 writings shall finde, that you haue benee misinformed by some persons, and
 that nothing is to be found in those bookes contrarie to Catholike doctrine,
 as some perchance haue suggested to your Holinesse, you will bee pleased
 to recall that sentence of the Sacred Congregation published against
 me, and my bookes, through euill information, or vehement importunitie
 of some men, or through mis-vnderstanding the true meaning of my words;
 and that you will haue a care of my good name in that good sort, as shall
 besee me your wisdome, charitie and iustice; and that you will account me
 to be a Catholike, and a Child of the Catholike Roman Church. For
 that which I did write in another place, I doe heere repeat againe.

I am

" I am a Catholike and a Child of the Catholike Roman Church, and if
 " any man of what degree soeuer hee be, shall wrongfully accuse mee
 " of *heresie*, let him know assuredly, that by the assistance of *Al-*
 " mighty God I will by all those meanes, which God and Nature
 " hath granted to innocent men to defend themselves, to the vtter-
 " most of my power defend my selfe from their calumnies or slanders,
 " vntill the Church being fully informed of my opinion, shall in plaine
 " and particular words (for no man can recall errors vntill he know
 " particularly what they bee) condemne the same.

" 21 Thirdly, *that your Holinesse will command, that this my*
 " *purgation, and most humble Petition may for future memorie bee regi-*
 " *stered among the Acts of the holy Office of the Inquisition, as the condem-*
 " *nation of my bookes is recorded, as it appeareth by the Decree it selfe, that*
 " *those who hereafter shall succede in that Office, may give their sen-*
 " *tence and iudgement as well of this my Purgation, as of that condem-*
 " *nation of my bookes, and whether I am to bee accounted a Catholike, and*
 " *a child of the Church, or an heretike.*

" 22 But if your Holinesse will yet be pleased to admit this my Pur-
 " gation, and most humble Supplication, and to recall the sentence which
 " upon euill information hath bene denounced against my bookes, and to haue
 " a care of my good name, which hath bene wrongfully taken away, al-
 " though I know right well, that the same most mercifull and great God, who
 " in times past preferred the credit of that holy man Robert Grosset
 " Bishop of Lincolne, with whom Pope Innocentius the fourth being won-
 " derfully offended, & determined to cast his dead bones out of the
 " Church, and to bring him into so great obloquie, that hee should
 " bee proclaimed throughout the whole world for an Heathen, Rebelle,
 " and diobedient, for that hee had written to the said Pope Innocentius
 " in the spirit of humilitie and loue, *ut errores suos crebros corrigeret,*
 " that he would correct his frequent, or accustomed errors, although
 " I know, I say that the same God, who is not an acceptor of persons, is able
 " also to deliuer me from the vniust attempts, and false informations of any
 " whatseuer, and to make knowne my innocencie to your Holinesse, and to
 " the whole Christian world; neuerthelesse prayers, teares, and patience,
 " ioyned with the testimonie of a good conscience, shall bee my chiefest refuge,
 " and this shall bee my daily comfort, that it is no whit lesse, but rather more
 " happy and gratefull to God, to suffer persecution for Iustice sake at the
 " hands of Kinsmen, and of the same Household, who in friendship and so-
 " cietie ought to be more straightly linked, then of Strangers.

" 23 Finally, if in this Purgation, which the Sacred Congrega-
 " tion by commandement of your Holinesse hath enioyned mee, I haue
 " offended any man, as I hope I haue not, by speaking any thing not with
 " that circumspection as is fitting (for wittingly I would giue no man any

g Mat Paris
 in Henrico 3^o
 ad ann. 1253.
 5. Diebus sub
 iisdem, & ad
 ann. 1254. 5.
 Hoc etiam an.
 Dominus Papa

“ *inſt cāſe of offence*) *I doe moſt humbly craue pardon both of your Ho-
 “ lineſſe, for whoſe temporall and perpetuall felicitie I will continually pray
 “ vnto our moſt mercifull God, and alſo of the whole Chriſtian world. From
 “ my Steady in the Feaſt of S. Iohn Baptiſt. 1614.*

*A moſt humble Child and Seruant of
 your Holineſſe, and of the Holy Sea
 Apoſtolike.*

*The Authour of the Bookes as afore-
 ſaid, &c.*

138 **T**His is the *Purgation* & humble *Supplication*, which I ſent to his
Holineſſe vpon the *Decree*, and commandement of the Lord
Cardinals to purge my ſelfe forthwith; which their *Decree*, if all things
 be duly conſidered, doth rather confirme, & ſtrengthen, then any way
 condemne, diſprooue, or weaken any particular doctrine contained in
 my bookes. For can a man with reaſon imagine, that thoſe moſt Illu-
 ſtrious *Cardinals* would not for their honour ſake, and for ſatiſfaction
 of the Chriſtian world, haue expreſſed ſome bad doctrine contained in
 my bookes, but haue forbidden them in ſuch generall words, without
 expreſſing any one propoſition which is in them repugnant to faith or
 good manners, and after ſuch an vnſuall manner haue commaunded
 me to purge my ſelfe forthwith, and that vnder paine of Eccleſiaſti-
 call Cenfures, without declaring any crime either in particular, or in
 generall, whereof I ſhould purge my ſelfe, if they could haue named
 any one propoſition, which they could haue cleerely maintained to be
 repugnant to the Catholike faith, or Chriſtian manners? eſpecially,
 ſeeing that my *Theologicall Diſputation*, as I haue ſhewed aboue in my
Purgation, was onely an humble *Petition* to his *Holineſſe*, and a ſincere
 propounding to his Fatherly conſideration the great and many diffi-
 culties, which by occaſion of his *Brenes* condemning the Oath, as
containing in it many things flat contrary to faith and ſaluation, did vex,
 trouble, and perplex the ſoules and conſciences of his poore afflicted
 Catholikes, earneſtly requeſting him, and in regard of his Paſtorall of-
 fice, as it were coniuring him, that he would be pleaſed to ſatiſſie their
 difficulties, and to make knowne to them any one thing in the Oath of
thoſe many, which by his *Brenes* he had declared to be cleerely repug-
 nant to faith and ſaluation.

139 Now to ſay, as ſome *Prieſts* heere with vs, to excuſe this
 ſtrange

strange proceeding of his Holinesse and the Cardinals, doe very indiscreetly and vnlearnedly affirme, that it is against the Maiestie of the Court of Rome, to give English Catholikes particular satisfaction in these points, and that they must obey with blind obedience, and without any further examining of the matter, whatsoever his Holinesse, and the Cardinals of the Inquisition doe decree, and command, although it be in prejudice to themselves, and to their temporall Prince and State, it is *alas* rather to be pittied, then answered. For no man of learning or iudgement can make any doubt, but that if a spirituall Superiour, or Prelate of what dignitie, or preheminance soeuer hee bee, shall command, or forbid any thing, which is dangerous to Religion, to the Common-wealth, or to a third person, (as all the world seeth the forbidding of English Catholikes to take the new Oath of Allegiance, to be heere in England thus dangerous) and the subject is doubtfull, whether his prohibition, or commandement bee lawfull, or proceedeth from lawfull and vndoubted authoritie or no, hee is not bound forthwith to obey, but hee may without any note of disobedience propound humbly to his Superiour, or Prelate the reasons of his doubt, and the causes which moue him to thinke assuredly, that his Superiour, or Prelate was misled either by false information, or by his owne fallible opinion in imposing such a dangerous command: and the Superiour, or Prelate, and much more if he be the Supreme Pastour of our soules, is bound by his Pastorall office to feed all the sheepe of Christs flocke, with the word of doctrine and instruction, in things necessary to saluation, when they shall humbly and earnestly desire to be therein instructed by him to whom the charge of their soules is principally committed by Christ our Sauour, in those words spoken to S. Peter, *Pasce agnos meos, Pasce oues meas, Feed my lambes, Feed my sheepe.*

140 Seeing therefore, that wee haue diuers times most humbly and earnestly requested his Holinesse, being the Supreme Pastour of our soules, to make knowne to vs any one thing of those many, which he in his *Breues* hath onely in generall words declared to be flat contrary to faith and saluation, or any one proposition contained in my bookes which is repugnant to faith or good manners, protesting with all sinceritie to purge, and retract forthwith whatsoever is to be purged and retracted, and haue also propounded vnto him most humbly the reasons of our doubts, and why we are perswaded, that he hath heerein beene misled, and drawne to this course either by his owne fallible opinion, or by the bad information of Cardinall Bellarmine, and his other Diuines, most instantly requesting to be satisfied herein, and as yet cannot receiue from him any satisfaction at all: And which also is very considerable, seeing that I haue since that time made knowne to his Holinesse, and to all the world by publike writings, the manifest slaunders,

ders, which Cardinall *Bellarmino* masked vnder the name of Doctour *Schulckenius*, and who also in that Congregation of Cardinals deputed for the examining of bookes is one of the chiefeſt men, and which is more ſtrange, both my principall Aduerſary, Accuſer, and Iudge, hath very falſly impoſed vpon me, and how ſhamefully he hath corrupted my words and meaning to prooue me an *heretike diſguiſed vnder the faire colourable name of a Catholike*; and to impeach my doctrine of *error* and *herieſe*; And beſides the diſcouery of theſe ſhamefull calumnies, for the which I demaunded iuſtice at his *Holineſſe* hands, I haue alſo made an other *Supplication* to his *Holineſſe*, moſt humbly requeſting him, either to declare vnto vs what one thing in the *Oath* is repugnant to faith and ſaluation, and what one propoſition in my bookes is contrary to faith or good manners, or elſe to cauſe that *Decree* of the *Cardinalls* againſt my bookes to be reuerſed, and to account me and other Catholikes not to be diſobedient children to the *Sea Apoſtolike* for not admitting his *Brenes* which are grounded either vpon ſuch an opinion, which no Catholike is bound to follow, or vpon the falſe information of Cardinall *Bellarmino* and his other Diuines, or rather vpon both: And conſidering alſo, that not onely, neither Cardinall *Bellarmino* hath for his credit ſake cleared himſelfe as yet of thoſe fowle aſperſions and crimes wherewith I haue charged him, nor his *Holineſſe* hath as yet vouchſafed to giue any fatherly inſtruction or ſatisfaction in theſe our important difficulties and neceſſarie requeſts, but alſo the ſaid *Cardinalls* haue after their former manner condemned that my *Supplication* onely in generall words without taking notice of the ſlaunders, which Cardinall *Bellarmino* did falſly impoſe vpon me, or expreſſing any one propoſition contained in that *Supplication*, or in any other my bookes contrary to Catholike doctrine or Chriſtian manners, as in that *Supplication* I deſired to know; All which things being conſidered, I leaue, good *Catholike Reader*, to thly prudent conſideration, whether this ſtrange proceeding of theirs be not an euident ſigne to any indifferent man, that they can find no one thing in the *Oath*, which is repugnant to faith or ſaluation, nor any one propoſition in my bookes contrarie to faith or good manners, and that they haue entred into ſuch an exorbitant, vncharitable, and iniurious courſe, and alſo drawne his *Holineſſe* thereunto, wherein with their honours they can hardly goe forward, and yet rather then they will ſeeme to goe backward, and acknowledge freely that by the aduiſe of Cardinall *Bellarmino* and other Diuines of *Rome* they haue bene deceiued, they will ſtill goe on; and care not to haue innocent Catholikes by their vniuſt proceedings to be accounted *heretikes*, or diſobedient children to the *Sea Apoſtolike*, which in the end will turne to their great ſhame and diſhonour, and in the meane time, cannot be but very ſcandalous to Catholike Religion,

very

very dishonourable to the *Popes Holinesse*, and themselves, very iniurious to English Catholikes, and very burdensome to their owne consciences, which so many dangers I beseech Almighty God with all my heart, that he will inspire them to preuent in time, and before it be too late. So that it were farre better for the credit of my *Adversaries*, and of their cause, and for the honour of the *Sea Apostolike* not to vrge any more the *Popes Breues* against the *Oath*, or the *Cardinals Decree* against my bookes, but to bury them with perpetuall obliuion, vnlesse his *Holinesse*, and the Lord *Cardinals* of the Inquisition will descend to some particular points, which with their reputation and honour they are able to maintaine.

* The same submission * which I made heretofore of all my writings to the Censure of the *Catholike Roman Church*, I doe heere repeat againe.

* *What reason the State may haue to permit such submissions, see above in this Chapter from num. 110.*

FINIS.

Errata.

Page	Line	Errours	Corrected.
9	15	then	ever
30	8	foote	foote
55	35	with them	with him
108	34	the 70. lodger	the lodger
116	18	Galgatha	Galgala
131	1	make	may make
144	19	presenting	representing
155	36	of Princes	of the Princes
170	14	shall beneath	shall see beneath
200	31	was grace	was not grace
200	36	reigne Jonathan	reigne of Jonathan
250	43	nature	naturall
286	29	not of malice	not malice
286	37	amongst our	amongst others our
287	8	periculous	impertinent
330	4	exercised	exercised
330	7	as that	as at that
347	7	Lawes	Lawyers
372	25	selfe who would	selfe would
389	17	or	for
394	13	no	nor
396	2	deserveth both in	deserveth in
408	27	upon to	upon him to
411	37	valued	valid
418	37	of	of his
435	19	Canonica	Canonici
442	3	confuted	confirmed
450	19	both them	both of them
469	21	for that the	for the
477	20	to believed	to be believed
505	17	licence	licence
508	2	comfort	confront
509	27	uncertaine	certaine
515	42	dogmatike	dogmatize
542	41	Decrees	Decree
565	2	propound	propounded
572	26	running	running
576	32	altogether	altogether
584	12	included	concluded
585	7	them	then
591	15	meat	meant
591	23	despoise	depose
596	26	artificall	artificiall
596	28	aimeth at in	aimeth in
630	19	and	and
636	11	Disct.ari	Disctours

